

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEONTE JAMES, <i>Plaintiff,</i> v. CUYAHOGA COUNTY, et al. <i>Defendants.</i>	Case No. 1:21-cv-1958 Judge J. Philip Calabrese Magistrate Judge Jonathan D. Greenberg
DECLARATION OF JESSICA SAVOIE	

I, Jessica Savoie, declare as follows:

1. I am over the age of 18 and competent to testify to the facts below based on my personal knowledge.
2. I am an attorney licensed in the states of Ohio and Louisiana.
3. I am counsel for Deonte James in this matter.
4. On November 24, 2021, my office served Requests for Production upon Defendant Cuyahoga County via email. The document attached as **Exhibit A** to this affidavit is a true and correct copy of these Requests for Production of Documents.
5. **Exhibit B** to this affidavit is a true and correct copy of the email serving the Requests for Production of Documents upon the County's counsel on November 24, 2021.
6. **Exhibit C** to this affidavit is a true and correct copy of follow-up email correspondence with the County's counsel on November 24, 2021.
7. **Exhibit D** is a true and correct copy of an email I sent the County's attorneys at 10:28 a.m. on February 1, 2022.
8. **Exhibit E** is a true and correct copy of an email I received from the County's counsel at 5:35 p.m. on February 1, 2022.
9. **Exhibit F** is a true and correct copy of Defendant Cuyahoga County's Responses and Objections to Plaintiff's First Set of Requests for Production served February 1, 2022.

10. **Exhibit G** is a true and correct copy of an email I sent to the County's attorneys at 5:58 p.m. on February 1, 2022.
11. **Exhibit H** is a true and correct copy of an email I received from the County's counsel at 8:33 p.m. on February 1, 2022.
12. **Exhibit I** is a true and correct copy of an email I sent to the County's attorneys at 9:25 a.m. on February 2, 2022.
13. **Exhibit J** is a true and correct copy of an email I received from Ms. Shafer at 5:58 p.m. on March 30, 2022.
14. Defendant Cuyahoga County, through counsel, produced copies of incident reports numbered CC000955-7488, including records Ms. Sletvold and I reviewed on-site at the Justice Center and selected for production on May 3, and May 10, 2022. Copies of the transmittal letters are attached, *in globo*, as **Exhibit K**.
15. **Exhibit L** is a true and correct copy of an email I received from Ms. Shafer at 11:24 a.m. February 25, 2022.
16. **Exhibit M** is a true and correct copy of an email I sent to Mr. Greenwell and Ms. Shafer at 11:35 p.m. on February 25, 2022.
17. **Exhibit N** is a true and correct copy of an email I received from Ms. Shafer at 12:08 p.m. on February 25, 2022.
18. **Exhibit O** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 1:16 p.m. on February 25, 2022.
19. **Exhibit P** is a true and correct copy of an email I sent to Mr. Rock and Ms. Shafer at 1:03 p.m. on February 24, 2022.
20. **Exhibit Q** is a true and correct copy of an email I sent to Mr. Greenwell and Ms. Shafer at 8:20 a.m. on February 25, 2022.
21. **Exhibit R** is a true and correct copy of an email I sent to Mr. Stewart and Ms. Shafer at 4:22 p.m. on March 14, 2022.
22. **Exhibit S** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 9:03 p.m. on March 30, 2022.
23. **Exhibit T** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 8:32 a.m. on June 1, 2022.
24. **Exhibit U** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 10:51 a.m. on June 2, 2022.

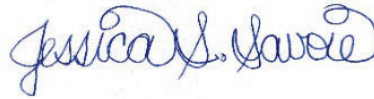
25. **Exhibit V** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 2:23 p.m. on June 6, 2022.
26. **Exhibit W** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 10:31 a.m. on July 11, 2022.
27. **Exhibit X** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 12:13 p.m. on July 12, 2022.
28. **Exhibit Y** is a true and correct copy of an email I received from Ms. Shafer at 1:37 p.m. on May 10, 2022.
29. **Exhibit Z** is a true and correct copy of a letter I sent via email to Ms. Cappara and Ms. Shafer at 12:41 p.m. on May 19, 2022.
30. **Exhibit AA** is a true and correct copy of a letter I wrote to Ms. Cappara and Ms. Shafer, and which my office transmitted via email on my behalf at 5:15 p.m. on October 3, 2022.
31. **Exhibit BB** is a true and correct copy of a letter I wrote to Ms. Cappara and Ms. Shafer, and which my office transmitted via email on my behalf at 5:16 p.m. on October 3, 2022.
32. **Exhibit CC** is a true and correct copy of an email I sent to the Court's chambers, copying all counsel, at 11:17 a.m. on October 17, 2022.
33. **Exhibit DD** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 8:48 a.m. on October 31, 2022.
34. I received no reply email or other communication responsive to the email designated **Exhibit DD**.
35. **Exhibit EE** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 9:03 a.m. on November 2, 2022.
36. I received no reply email or other communication responsive to the email designated **Exhibit EE**.
37. **Exhibit FF** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 9:46 a.m. on November 3, 2022.
38. **Exhibit GG** is a true and correct copy of an email I received from Ms. Cappara at 1:40 p.m. on November 3, 2022, which did not state the County's position on the discovery disputes.

39. **Exhibit HH** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 1:56 p.m. on November 3, 2022.
40. **Exhibit II** is a true and correct copy of an email I received from Ms. Cappara at 6:01 p.m. on November 3, 2022, which did not state the County's position on the discovery disputes.
41. **Exhibit JJ** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 9:10 a.m. on November 4, 2022.
42. I received no reply email or other communication responsive to the email designated **Exhibit JJ**.
43. **Exhibit KK** is a true and correct copy of an email I sent to Ms. Cappara and Ms. Shafer at 8:30 a.m. on November 14, 2022.
44. I received no reply email or other communication responsive to the email designated **Exhibit KK**.
45. On September 29, 2022, I made a public-records request to the Cuyahoga County Sheriff's Department for the report and video documenting an incident that occurred in the Cuyahoga County Jail on August 5, 2018, which is one of the incidents identified in my May 19 letter (Exhibit Z). A true and correct copy of that request is **Exhibit LL** to this affidavit.
46. I received an **incident report and videos** responsive to my September 29, 2022 public-records request on October 5, 2022. **Exhibit MM** is a copy of the transmittal letter from Judith Blatnik, Public Record Officer for Cuyahoga County Sheriff's Department.
47. The incident report I received October 5, 2022 as a public record is attached as **Exhibit NN**.
48. Pages 3–10 of **Exhibit NN** is identical to a report produced as CC003550–57. The first two pages of **Exhibit NN** were not included in the discovery production but were included in the public-record production. The only redactions made to **Exhibit NN** are found on p. 9, the document titled "O.C. Administrative Warning." The redactions conceal the person's answers to whether they have used certain drugs or have certain medical conditions.
49. I have personally reviewed all of the use-of-force incident reports produced by Cuyahoga County in this lawsuit. Of the reports produced, more than 450 describe incidents between October 19, 2017 to October 27, 2019 involving the use of force against people with mental illness or the use of force against people who were restrained.

50. Based on my personal knowledge and my review of my law firm's business records, Cuyahoga County did not produce in discovery in this litigation any of the use-of-force videos requested on November 24, 2021 (including those specified in my letter of May 19, 2022) until November 16, 2022.
51. I attended the telephone conference regarding the subject discovery disputes on October 17, 2022.
52. At that October 17 telephone conference, Ms. Shafer, on behalf of Cuyahoga County, would not agree to produce the videos identified in my May 19, 2022 letter and would not agree to remove the confidentiality designations on CC000955-7488.
53. On November 4, 2022, I requested a status conference.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 22, 2022

A handwritten signature in blue ink that reads "Jessica S. Savoie". The signature is written in a cursive, flowing style.

Jessica Savoie

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEONTE JAMES, <i>Plaintiff,</i> v. CUYAHOGA COUNTY, et al. <i>Defendants.</i>	Case No. 1:21-cv-1958 Judge J. Philip Calabrese Magistrate Judge Jonathan D. Greenberg
PLAINTIFF’S FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT CUYAHOGA COUNTY	

Under Fed. R. Civ. P. 26(d)(2) and 34, Plaintiff Deonte James respectfully requests that Defendant Cuyahoga County respond to this First Set of Requests for Production within 30 days of the date deemed served under Rule 26(d)(2)(B).

INSTRUCTIONS

1. In answering these requests, please use the following definitions:
 - A. The terms “defendant,” “Defendant,” “you,” or “your” refer to Defendant Cuyahoga County.
 - B. The terms “Plaintiff” and “Mr. James” refer to Plaintiff Deonte James.
 - C. The terms “Defendants” or “any Defendant” refer collectively to all Defendants in this case.
 - D. The term “each individual Defendant” refers collectively to Defendants Broeckel, Bodeker, and Barthany.
 - E. The terms “the County” and “Cuyahoga County,” refer to Defendant Cuyahoga County.
 - F. The term “the Jail” refers to Cuyahoga County Corrections Center.
 - G. The term “O.C. foam” refers to oleoresin capsicum, mace, pepper spray, pepper foam, or any similar product containing oleoresin capsicum as the active ingredient.

- H. The term “restrain” or “restrained” refers to any method by which a corrections officer exerted physical control over an inmate and includes but is not limited to means of manual restraint, the use of handcuffs, positional or prone restraints, or placing an inmate in a restraint chair.
- I. The term “document” or “documents” means the original or a copy, regardless of origin or location, of any writing or records of any type or description, whether official or unofficial, including, but not limited to, the original or any copy of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, statement, study, inter- or intra-office communication, handwritten or other note, working paper, publication, permit, ledger and/or journal, whether general or special, chart, paper, graph, survey, index tape, disk, data sheet or data-processing card, or any other written, recorded, transcribed, filed, or graphic matter, however produced or reproduced, to which Defendant had access or now has access. “Document” or “documents” also includes any magnetically, mechanically, and/or electronically stored, maintained, and/or recorded data, whether the data consists of words, symbols, numbers, graphs, or other matters, including but not limited to email and text messages as well as messages on any social-media or other electronic platform, website, or application (e.g., messages in Facebook messenger, Tweets, Twitter direct messages, or Snapchat).
- J. The term “document” specifically includes video or audio recordings.
- K. The term “communications” refers to documents, as defined above, that contain or reflect any message, exchange of information, or transmittal of information, including, but not limited to, letters, emails, voicemail messages, voice notes, text messages, SMS messages, posts or messages on any social-media or other electronic platform, website, or application (e.g., messages in Facebook messenger, Twitter direct messages, or Snapchat), or correspondence of any kind, including any images or attachments, and recordings, transcripts, or notes of telephone calls, meetings, or exchanges between persons of any kind. Requests for “communications” include draft communications.
- L. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise be construed to be outside its scope.
- M. “Relate to” and “relating to” and “regarding” and their cognates mean regarding, concerning, containing, consisting of, referring to, reflecting, supporting, demonstrating, showing, identifying, mentioning, contradicting, prepared in connection with, used in preparation for, pertaining to, having any relationship to, evidencing, constituting

evidence of, or being in any way legally, logically, or factually connected with the matter discussed.

- N. “Any” includes the word “all,” and “all” includes the word “any.”
2. For each request or part of a request that you refuse to answer on grounds of burdensomeness, please state:
 - A. The number of files and/or documents needed to be searched;
 - B. The location of such files; and
 - C. The approximate time it would take to conduct a search for the requested information.
 3. These requests are continuing in nature. Please supplement responses as needed if additional information or documents pertinent to any request is obtained or created, including, but not limited to, additional information that adds to a previous answer, corrects a previous answer, and/or clarifies a previous answer.
 4. If you claim any ambiguity in either a request or a definition, please set forth the language you deem ambiguous and the interpretation you have in good faith chosen or used in responding.
 5. If, in answering the following requests, you indicate any lack of knowledge, please state in detail all efforts made to obtain the information requested, the nature of any continuing efforts in that regard, and by whom any such efforts were and are being made.
 6. If you object to or otherwise do not respond to any request, in whole or in part, please explain the nature and basis for the objection or other failure or refusal to respond in sufficient detail so that the Court can determine the propriety of such objection or failure or other refusal to respond.
 7. For any objection, please state whether documents are being withheld on the basis of the objection.
 8. For each request or part thereof that Defendant refuses to answer on grounds of privilege, please provide an appropriate privilege log as required by Fed. R. Civ. P. 26(b)(5).

REQUESTS

1. All documents related to the use of force by any corrections officer against any inmate housed in the Jail’s Mental Health Unit from October 19, 2017 to

October 27, 2019. Production should specifically include video footage from surveillance and body-worn cameras and written reports of such incidents.

RESPONSE:

2. All documents related to training provided to County corrections officers about the use of force against inmates with mental illness from March 5, 2015 to the present. Production should specifically include training materials, communications intended to provide training, records of which officers received the training, and videos of training.

RESPONSE:

3. All documents related to training provided to County corrections officers about monitoring inmates with mental illness from March 5, 2015 to the present. Production should specifically include training materials, communications intended to provide training, records of which officers received the training, and videos of training.

RESPONSE:

4. All documents related to training provided to County corrections officers regarding evaluating the medical needs of inmates with mental illness, including standards and procedures for when and how to refer inmates to a mental-healthcare provider.

RESPONSE:

5. All documents related to the use of force against restrained inmates from October 19, 2017 to October 27, 2019. Production should include video footage

from surveillance and body-worn cameras and written reports of such incidents.

RESPONSE:

6. All use-of-force reports documenting County correction officers' deployment of O.C. foam upon inmates from October 17, 2017 to October 27, 2019.

RESPONSE:

7. All reports and videos documenting County corrections officers' decontamination of inmates contaminated with O.C. foam from October 17, 2017 to October 27, 2019.

RESPONSE:

8. All documents related to training provided to County corrections officers on O.C.-foam decontamination from March 5, 2015 to the present. Production should specifically include training materials, records of which officers received the training, and videos of training.

RESPONSE:

9. All documents related to training provided to County corrections officers about when, whether, and how to intervene if another officer uses excessive force against an inmate. Production should specifically include training materials, communications intended to provide training, records of which officers received the training, and videos of training.

RESPONSE:

10. To the extent not previously produced in response to Mr. James's public-

records requests, the complete employment, training, and discipline files for each individual Defendant.

RESPONSE:

Dated: November 24, 2021

Respectfully submitted,

/s/ Jessica S. Savoie

Ashlie Case Sletvold (0079477)

Jessica S. Savoie (0099330)

PEIFFER WOLF CARR KANE & CONWAY, LLP

1422 Euclid Avenue, Suite 1610

Cleveland, Ohio 44115

Phone: (216) 589-9280 / Fax (216) 258-0161

asletvold@peifferwolf.com

jsavoie@peifferwolf.com

Counsel for Plaintiff Deonte James

CERTIFICATE OF SERVICE

I certify that on November 24, 2021, my office served Plaintiffs' First Set of Requests for Production of Documents to Defendant Cuyahoga County to the County's counsel via email:

Kenneth Rock
The Justice Center, Courts Tower
1200 Ontario Street, 8th Floor
Cleveland, Ohio 44113
krack@prosecutor.cuyahogacounty.us

/s/ Jessica S. Savoie

Counsel for Plaintiff Deonte James

Jessica Savoie

From: Jessica Savoie
Sent: Wednesday, November 24, 2021 1:03 PM
To: Rock, Kenneth
Cc: Ashlie Case Sletvold; Kelsey O'Hara
Subject: James v. Cuyahoga County, et al.: Requests for production of documents to Defendants
Attachments: 2021.11.24 James first set of RPDs to Defendant County.pdf; 2021.11.24 James first set of RPDs to Defendant Broeckel.pdf; 2021.11.24 James first set of RPDs to Defendant Bodeker.pdf; 2021.11.24 James first set of RPDs to Defendant Barthany.pdf

Ken,

I attach Mr. James's first sets of Rule 34 requests for production to Defendants, as authorized by Rule 26(d)(2). Please let me know if your office would like to receive Word copies of these requests.

Have a wonderful Thanksgiving holiday!

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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Jessica Savoie

From: Kelsey O'Hara
Sent: Wednesday, November 24, 2021 1:14 PM
To: Jessica Savoie; Rock, Kenneth
Cc: Ashlie Case Sletvold
Subject: RE: James v. Cuyahoga County, et al.: Requests for production of documents to Defendants
Attachments: 2021.11.24 James first set of RPDs to Defendant Barthany.docx; 2021.11.24 James first set of RPDs to Defendant Bodeker.docx; 2021.11.24 James first set of RPDs to Defendant Broeckel.docx; 2021.11.24 James first set of RPDs to County.docx

Mr. Rock,

Attached are the Word versions of Mr. James's first sets of Rule 34 requests for production to Defendants.

Warm regards,
Kelsey O'Hara

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, November 24, 2021 1:08 PM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: Re: James v. Cuyahoga County, et al.: Requests for production of documents to Defendants

Thanks! My paralegal Kelsey will send Word versions shortly.

Jessica Savoie
Of Counsel
Peiffer Wolf Carr Kane & Conway
1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
(504)729-7866 (mobile)
(216) 340-1803 (direct)
Gender pronouns: she/her/hers

From: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Sent: Wednesday, November 24, 2021 1:07:02 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: Requests for production of documents to Defendants

Thanks, Jessica, please send MS Word copies of these, too. You have a great holiday, too.

Ken

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, November 24, 2021 1:03 PM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: James v. Cuyahoga County, et al.: Requests for production of documents to Defendants

Ken,

I attach Mr. James's first sets of Rule 34 requests for production to Defendants, as authorized by Rule 26(d)(2). Please let me know if your office would like to receive Word copies of these requests.

Have a wonderful Thanksgiving holiday!

With kind regards,

Jessica

Jessica Savoie
Of Counsel



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From: [Jessica Savoie](#)
To: [Rock, Kenneth](#); lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: James v. Cuyahoga County: Defendants' discovery responses
Date: Tuesday, February 1, 2022 10:28:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Ken and Leslie,

Please provide Defendants' responses to the discovery requests propounded on November 24 (with the exception of the request asking for information on the racially disparate decontamination practices).

As the Court's docket entry of December 28, 2021 reflects, we were supposed to receive that production by yesterday, January 31. We need to begin review today to be prepared for the February 7 status conference.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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EXHIBIT
1-D

From: [Leslie Shafer](#)
To: [Jessica Savoie](#); [Rock, Kenneth](#)
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses
Date: Tuesday, February 1, 2022 5:34:51 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Jessica,

Please see our discovery responses in the link below. The Link will expire on Feb. 6th.

https://ccpo-my.sharepoint.com/:f/g/personal/lshafer_prosecutor_cuyahogacounty_us/Eu5zRQXJS49EjQCI3EPua8oBb00UxrUeUzq257IMSgpUaQ?e=V6ClWa

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, February 1, 2022 10:28 AM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: James v. Cuyahoga County: Defendants' discovery responses

Ken and Leslie,

Please provide Defendants' responses to the discovery requests propounded on November 24 (with the exception of the request asking for information on the racially disparate decontamination practices).

As the Court's docket entry of December 28, 2021 reflects, we were supposed to receive that production by yesterday, January 31. We need to begin review today to be prepared for the February 7 status conference.

With kind regards,

Jessica

Jessica Savoie
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EXHIBIT

1-E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEONTE JAMES, <i>Plaintiff,</i> v. CUYAHOGA COUNTY, et al. <i>Defendants.</i>	Case No. 1:21-cv-1958 Judge J. Philip Calabrese Magistrate Judge Jonathan D. Greenberg
DEFENDANT CUYAHOGA COUNTY’S RESPONSES AND OBJECTIONS TO PLAINTIFF’S FIRST SET OF REQUESTS FOR PRODUCTION	

Now comes Defendant Cuyahoga County, by and through undersigned counsel, and pursuant to Rule 34 of the Federal Rules of Civil Procedure, submits the following Responses and Objections to Plaintiff Deonte James’ First Set of Requests for Production of Documents.

REQUESTS

1. All documents related to the use of force by any corrections officer against any inmate housed in the Jail’s Mental Health Unit from October 19, 2017 to October 27, 2019. Production should specifically include video footage from surveillance and body-worn cameras and written reports of such incidents.

RESPONSE:

OBJECTION. Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Defendants further object to this request to the extent that it seeks the production of documents protected by the attorney-client privilege and/or

attorney work-product privilege. Subject to and without waiving this objection, Plaintiff's counsel may make arrangements to review documents at Defense Counsel's office.

2. All documents related to training provided to County corrections officers about the use of force against inmates with mental illness from March 5, 2015 to the present. Production should specifically include training materials, communications intended to provide training, records of which officers received the training, and videos of training.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving these objections, Defendant will produce relevant responsive documents in its possession.

3. All documents related to training provided to County corrections officers about monitoring inmates with mental illness from March 5, 2015 to the present. Production should specifically include training materials, communications intended to provide training, records of which officers received the training, and videos of training.

RESPONSE:

Defendants object to this Requests on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in

this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Defendant will produce relevant responsive documents in its possession.

4. All documents related to training provided to County corrections officers regarding evaluating the medical needs of inmates with mental illness, including standards and procedures for when and how to refer inmates to a mental-healthcare provider.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Defendant will produce relevant responsive documents in its possession.

5. All documents related to the use of force against restrained inmates from October 19, 2017 to October 27, 2019. Production should include video footage from surveillance and body-worn cameras and written reports of such incidents.

RESPONSE:

Defendants object to this Request on the grounds that it is seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Defendants further object to this request to the extent that it seeks the production of

documents protected by the attorney-client privilege and/or attorney work-product privilege. Subject to and without waiving these objections, Plaintiff's counsel may make arrangements to review documents at Defense Counsel's office.

6. All use-of-force reports documenting County correction officers' deployment of O.C. foam upon inmates from October 17, 2017 to October 27, 2019.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Plaintiff's counsel may make arrangements to review documents at Defense Counsel's office.

7. All reports and videos documenting County corrections officers' decontamination of inmates contaminated with O.C. foam from October 17, 2017 to October 27, 2019.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Plaintiff's counsel may make arrangements to review documents at Defense Counsel's office.

8. All documents related to training provided to County corrections officers on

O.C.-foam decontamination from March 5, 2015 to the present. Production should specifically include training materials, records of which officers received the training, and videos of training.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Defendant will produce relevant responsive documents in its possession.

9. All documents related to training provided to County corrections officers about when, whether, and how to intervene if another officer uses excessive force against an inmate. Production should specifically include training materials, communications intended to provide training, records of which officers received the training, and videos of training.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Defendant will produce relevant responsive documents in its possession.

10. To the extent not previously produced in response to Mr. James's public-records requests, the complete employment, training, and discipline files for

each individual Defendant.

RESPONSE:

Defendants object to this Request on the grounds that it seeks documents that are not relevant to any of the claims or defenses at issue in this action and is not proportional to the needs of the case. Subject to and without waiving this objection, Defendant will produce relevant responsive documents in its possession.

As to all Objections:

/s/ Leslie J. Shafer

Leslie J. Shafer (0091129)

Respectfully submitted,
Michael C. O'Malley, Prosecuting Attorney of Cuyahoga
County, Ohio

By: /s/ Leslie J. Shafer
Leslie J. Shafer (0091129)
lshafer@prosecutor.cuyahogacounty.us
Phone: (216) 443-8099
Kenneth Rock (0096482)
krock@prosecutor.cuyahogacounty.us
Phone: (216) 443-7825
Cuyahoga County Prosecutor's Office
The Justice Center, Court Tower
1200 Ontario Street, 8th Floor
Cleveland, OH 44113
Fax: (216) 443-7602

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on February 1, 2022, I served Defendant's Responses to Plaintiffs' First Set of Requests for Production of Documents to Plaintiff's counsel via email:

Ashlie Case Sletvold
Jessica S. Savoie
PEIFFER WOLF CARR KANE & CONWAY, LLP
1422 Euclid Avenue, Suite 1610
Cleveland, Ohio 44115
Phone: (216) 589-9280 / Fax (216) 258-0161
asletvold@peifferwolf.com
jsavoie@peifferwolf.com

/s/ Leslie J. Shafer
Leslie J. Shafer (0091129)

From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Rock, Kenneth](#)
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses
Date: Tuesday, February 1, 2022 5:58:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Leslie and Ken,

Reserving any objections as to your obligations to produce documents as requested (and agreed at the case-management conference), I will be at your office tomorrow morning at 9:00 to review the responsive records. Please advise if you would prefer that I arrive at an earlier time.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Tuesday, February 1, 2022 5:35 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses

Jessica,

Please see our discovery responses in the link below. The Link will expire on Feb. 6th.

https://ccpo-my.sharepoint.com/:f/g/personal/lshafer_prosecutor_cuyahogacounty_us/Eu5zRQXJS49EjQCI3EPua8oBb00UxrUeUZq257IMSgpUaQ?e=V6ClWa



Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, February 1, 2022 10:28 AM
To: Rock, Kenneth <krack@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: James v. Cuyahoga County: Defendants' discovery responses

Ken and Leslie,

Please provide Defendants' responses to the discovery requests propounded on November 24 (with the exception of the request asking for information on the racially disparate decontamination practices).

As the Court's docket entry of December 28, 2021 reflects, we were supposed to receive that production by yesterday, January 31. We need to begin review today to be prepared for the February 7 status conference.

With kind regards,

Jessica

Jessica Savoie
Of Counsel



1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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From: [Rock, Kenneth](#)
To: [Jessica Savoie](#); [Leslie Shafer](#)
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: Re: James v. Cuyahoga County: Defendants' discovery responses
Date: Tuesday, February 1, 2022 8:33:12 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Jessica,

Tomorrow doesn't work for us. If you want to send some times that your available next week, we'll see what we can arrange. The incident reports are stored in filing cabinets in the Warden's Complex, so we have to coordinate with them. They're not organized in any particular way, other than a loose chronological order, so reviewing them may take days.

Best,

Ken

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From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, February 1, 2022 5:58:19 PM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Rock, Kenneth <krack@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses

Leslie and Ken,

Reserving any objections as to your obligations to produce documents as requested (and agreed at the case-management conference), I will be at your office tomorrow morning at 9:00 to review the responsive records. Please advise if you would prefer that I arrive at an earlier time.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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— CARR KANE & CONWAY —

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Tuesday, February 1, 2022 5:35 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses

Jessica,

Please see our discovery responses in the link below. The Link will expire on Feb. 6th.

https://ccpo-my.sharepoint.com/:f/g/personal/lshafer_prosecutor_cuyahogacounty_us/Eu5zRQXJS49EjQCl3EPua8oBb00UxrUeUZq257IMSgpUaQ?e=V6ClWa

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, February 1, 2022 10:28 AM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: James v. Cuyahoga County: Defendants' discovery responses

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As the Court's docket entry of December 28, 2021 reflects, we were supposed to receive that

production by yesterday, January 31. We need to begin review today to be prepared for the February 7 status conference.

With kind regards,

Jessica

Jessica Savoie
Of Counsel



1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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From: [Jessica Savoie](#)
To: [Rock, Kenneth](#); [Leslie Shafer](#)
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses
Date: Wednesday, February 2, 2022 9:25:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Ken,

I can be available for the following dates and times next week:

- Monday: 8:00 a.m. to 3:00 p.m.;
- Tuesday: 12:00 p.m. to 4:00 p.m.;
- Wednesday: 8:00 a.m. to 2:00 p.m.;
- Thursday and Friday: 8:00 a.m. to 4:00.

Please let me know what works for the Warden's Complex.

Thanks,

Jessica

Jessica Savoie
Of Counsel

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— CARR KANE & CONWAY —

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From: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Sent: Tuesday, February 1, 2022 8:33 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: Re: James v. Cuyahoga County: Defendants' discovery responses

Hi Jessica,

Tomorrow doesn't work for us. If you want to send some times that your available next week, we'll

EXHIBIT

1-1

see what we can arrange. The incident reports are stored in filing cabinets in the Warden's Complex, so we have to coordinate with them. They're not organized in any particular way, other than a loose chronological order, so reviewing them may take days.

Best,

Ken

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From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, February 1, 2022 5:58:19 PM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: Defendants' discovery responses

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With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Tuesday, February 1, 2022 5:35 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: Defendants' discovery responses

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https://ccpo-my.sharepoint.com/:f/g/personal/lshafer_prosecutor_cuyahogacounty_us/Eu5zRQXJS49EjQCI3EPu_a8oBb00UxrUeUZq257IMSgpUaQ?e=V6ClWa

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, February 1, 2022 10:28 AM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: James v. Cuyahoga County: Defendants' discovery responses

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With kind regards,

Jessica

Jessica Savoie
Of Counsel

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Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

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From: [Leslie Shafer](#)
To: [Jessica Savoie](#); [Janeane Cappara](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County: status of production?
Date: Wednesday, March 30, 2022 5:58:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Jessica, Can you come to the prosecutor's office the week of April 18th to review and copy the files?

Additionally, please find attached a link for Cuyahoga County's supplemental discovery production. The link expires on Monday.

 [03.30.2022 CC Supplemental Production Bates CC 1878 - CC 2484.pdf](#)

I look forward to talking with you tomorrow.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, March 30, 2022 10:47 AM
To: Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Subject: RE: James v. Cuyahoga County: status of production?

Janeane,

I trust that by now you have had time to review the status of this matter.

In advance of tomorrow's status conference with the Court, please let me know when we can expect to receive the remainder of the County's overdue discovery productions. If you do not expect to make these productions promptly, we should discuss returning to the plan Mr. Rock

and I agreed upon at the last status conference, which was that your office would make the incident reports available for my and Ashlie's review and copying.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

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From: Jessica Savoie

Sent: Monday, March 21, 2022 3:44 PM

To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Okay, great. Then Janeane should have no trouble getting up to speed!

Jessica Savoie
Of Counsel

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>

Sent: Monday, March 21, 2022 3:40 PM

To: Jessica Savoie <jsavoie@peifferwolf.com>; Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

I am, Jessica.

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Monday, March 21, 2022 3:39 PM
To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Thank you for the update.

Leslie, are you still working on this case?

Jessica Savoie
Of Counsel

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From: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>
Sent: Monday, March 21, 2022 3:12 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Hi Jessica. Slight change of plans. Janeane Cappara will actually be taking over lead on this case on our end. Janeane is copied on this email. She is not available tomorrow afternoon, but will reach out to set up a call yet this week to discuss the case, including discovery status.

Best,

Michael J. Stewart
Assistant Prosecuting Attorney- Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-6673
Email: mjstewart@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, March 16, 2022 9:32 AM
To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Yes, that's my direct line. I'll talk to you then!

Jessica Savoie
Of Counsel

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From: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>
Sent: Wednesday, March 16, 2022 9:31 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Let's go with 1. Is this the right number:

216-340-1803?

Michael J. Stewart
Assistant Prosecuting Attorney- Civil Division

Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-6673
Email: mjstewart@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, March 16, 2022 9:29 AM
To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Michael,

Of course. I'm available Tuesday at 9:00 or 1:00. Would you like to speak at one of those times?

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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From: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>
Sent: Wednesday, March 16, 2022 9:27 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Hi Jessica. Sorry for the late reply. I have been in depts the past couple of days and I am still trying to get my arms around this case. Do you have time for a quick phone call early next week, perhaps Tuesday to discuss?

Michael J. Stewart
Assistant Prosecuting Attorney- Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-6673
Email: mjstewart@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Monday, March 14, 2022 4:22 PM
To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: James v. Cuyahoga County: status of production?

Michael and Leslie,

When can we expect the remaining productions in response to our early Rule 34 requests propounded November 24, 2021?

We would like to complete our review of at least the responsive incident reports before the March 31 status conference with the Court.

Thanks,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
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Michael C. O'Malley
Cuyahoga County Prosecutor

May 3, 2022

Jessica Savoie
jsavoie@peifferwolf.com

Ashlie Case Sletvold
asletvold@peifferwolf.com

Re: *Deonte James v. Cuyahoga County et al.*, Case No. 21 cv 1958
Supplemental Document Production, Bates Nos. CC 002485 – CC 006557

Dear Counselors:

Please find enclosed a link to Cuyahoga County's supplemental document production in response to Request Nos. 1, 5, 6, and 7 of Plaintiff's First Set of Requests for Production to Defendant Cuyahoga County.

Cuyahoga County produces these documents subject to and without waiving its objections as asserted in its February 1st, 2022 Responses and Objections to Plaintiff's First Set of Requests for Production.

Specifically, in response to Plaintiff's Request Nos. 1, 5, 6, and 7, Defendant objects on the grounds that such requests seek documents that are not relevant to any of the claims or defenses at issue in this action and are not proportional to the needs of the case, pursuant to Fed. R. Civ. P. 26(b)(1). In an effort to keep track of these documents for further discussion, we are designating them "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER."

In addition, there is confidential and/or sensitive medical and psychiatric information intermingled throughout these documents identifying inmates' suicidal ideations, suicide attempts, medical issues, prescriptions, etc. We want to be sensitive to these individuals and their medical issues, particularly because they are not parties to this case. Defense counsel proposes that, should Plaintiff wish to file any of these documents on the record, the parties meet and confer to discuss any necessary redactions or filing protocol.



Thank you for your patience while we gathered and bates stamped these documents. Please feel free to contact me if you have any questions or wish to discuss this in any further detail.

Yours truly,

/s/ Leslie J. Shafer

Leslie J. Shafer
Assistant Prosecuting Attorney
Tel. 216-443-8099
lshafer@prosecutor.cuyahogacounty.us

cc: Janeane Cappara



Michael C. O'Malley
Cuyahoga County Prosecutor

May 10, 2022

Jessica Savoie
jsavoie@peifferwolf.com

Ashlie Case Sletvold
asletvold@peifferwolf.com

Re: *Deonte James v. Cuyahoga County et al.*, Case No. 21 cv 1958
Supplemental Document Production, Bates Nos. CC 006558 – CC 007642

Dear Counselors:

Please find enclosed a link to Cuyahoga County's supplemental document production in response to Request Nos. 1, 5, 6, and 7 of Plaintiff's First Set of Requests for Production to Defendant Cuyahoga County.

Cuyahoga County produces these documents subject to and without waiving its objections as asserted in its February 1st, 2022 Responses and Objections to Plaintiff's First Set of Requests for Production.

Specifically, in response to Plaintiff's Request Nos. 1, 5, 6, and 7, Defendant objects on the grounds that such requests seek documents that are not relevant to any of the claims or defenses at issue in this action and are not proportional to the needs of the case, pursuant to Fed. R. Civ. P. 26(b)(1). In an effort to keep track of these documents for further discussion, we are designating them "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER."

In addition, there is confidential and/or sensitive medical and psychiatric information intermingled throughout these documents identifying inmates' suicidal ideations, suicide attempts, medical issues, prescriptions, etc. We want to be sensitive to these individuals and their medical issues, particularly because they are not parties to this case. Defense counsel proposes that, should Plaintiff wish to file any of these documents on the record, the parties meet and confer to discuss any necessary redactions or filing protocol.

Thank you for your patience while we gathered and bates stamped these documents. Please feel free to contact me if you have any questions or wish to discuss this in any further detail.

Further, Mr. James' medical records from Salvation Army and Recovery Resources that Defendant obtained pursuant to the signed authorizations are also enclosed.

Yours truly,

/s/ Leslie J. Shafer

Leslie J. Shafer
Assistant Prosecuting Attorney
Tel. 216-443-8099
lshafer@prosecutor.cuyahogacounty.us

cc: Janeane Cappara

From: [Leslie Shafer](#)
To: [Jessica Savoie](#); [Greenwell, Matthew, D](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County - request for status of County's production
Date: Friday, February 25, 2022 11:23:41 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Jessica,

We have been working hard gathering the requested documents. I will send out a production later today. By the end of next week, we should have all of the requested 2018 reports. We will produce these pursuant to our protective order.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Friday, February 25, 2022 8:20 AM
To: Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: FW: James v. Cuyahoga County - request for status of County's production

Matt and Leslie,

This will forward my email from yesterday to include Matt.

Leslie, please provide the status of the County's production and expected timeline as requested in that email. Please also let me know if you'd like us to handle the review, as previously agreed before Ken offered to have the County review the incident reports.

With kind regards,

Jessica

Jessica Savoie
Of Counsel





1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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From: Jessica Savoie

Sent: Thursday, February 24, 2022 1:03 PM

To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; lshafer@prosecutor.cuyahogacounty.us

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: James v. Cuyahoga County - request for status of County's production

Ken and Leslie,

Please provide the status of producing the remaining documents responsive to our requests for production, which we propounded November 24, 2021.

At the status conference of December 28, 2021, you agreed to provide responses by January 31, 2022. The County made a partial production with training records and policies only—without incident reports and videos of prior similar incidents—on February 1. At that time, you advised that we would need to make arrangements to view the incident reports at your office, and we responded that we would do so the next day to ensure that our review was complete before the February 7 status conference. We also provided our availability for the following week. You declined to make the documents available that week and advised on February 4 that you did not know when the warden could make the documents available.

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We are happy to revert to our prior agreement to have our office handle the document review, as we discussed with the Court. I can bring Ashlie and our paralegal Kelsey so we can work as quickly and efficiently as possible. Would you like us to handle the review? If so, I'll provide our availability for the next few weeks so we can set up dates and times that are convenient for everyone.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Greenwell, Matthew, D](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County - request for status of County's production
Date: Friday, February 25, 2022 11:34:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[ECF No. 11 Stipulated Protective Order.pdf](#)

Leslie,

Thank you for the update. Please advise regarding why you think these incident reports, which are public records, may be designated confidential under the Protective Order.

The Protective Order (attached) provides at Paragraph 3:

Documents Which May be Designated CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER. Any party may designate documents as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER upon making a good faith determination that the documents contain information protected from disclosure by statute or that should be protected from disclosure as confidential personal information, medical or psychiatric information, trade secrets, personnel records, or such other sensitive commercial information that is not publicly available. Public records and other information or documents that are publicly available may not be designated as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.

We are familiar with the content of these reports, and we have never seen any that include "confidential" information as defined by the Protective Order. They are public records. As the Protective Order states in Paragraph 1: "[T]here is a presumption in favor of open and public judicial proceedings in the federal courts, this Order shall be strictly construed in favor of public disclosure and open proceedings wherever possible."

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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— CARR KANE & CONWAY —

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Friday, February 25, 2022 11:24 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - request for status of County's production

Hi Jessica,

We have been working hard gathering the requested documents. I will send out a production later today. By the end of next week, we should have all of the requested 2018 reports. We will produce these pursuant to our protective order.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Friday, February 25, 2022 8:20 AM
To: Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: FW: James v. Cuyahoga County - request for status of County's production

Matt and Leslie,

This will forward my email from yesterday to include Matt.

Leslie, please provide the status of the County's production and expected timeline as requested in that email. Please also let me know if you'd like us to handle the review, as

previously agreed before Ken offered to have the County review the incident reports.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: Jessica Savoie

Sent: Thursday, February 24, 2022 1:03 PM

To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; lshafer@prosecutor.cuyahogacounty.us

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: James v. Cuyahoga County - request for status of County's production

Ken and Leslie,

Please provide the status of producing the remaining documents responsive to our requests for production, which we propounded November 24, 2021.

At the status conference of December 28, 2021, you agreed to provide responses by January 31, 2022. The County made a partial production with training records and policies only—without incident reports and videos of prior similar incidents—on February 1. At that time, you advised that we would need to make arrangements to view the incident reports at your office, and we responded that we would do so the next day to ensure that our review was complete before the February 7 status conference. We also provided our availability for the following week. You declined to make the documents available that week and advised on February 4 that you did not know when the warden could make the documents available.

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With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: [Leslie Shafer](#)
To: [Jessica Savoie](#); [Greenwell, Matthew, D](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County - request for status of County's production
Date: Friday, February 25, 2022 12:07:51 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Jessica,

Some of the documents confidential information that is not subject to public disclosure such medical information and social security numbers. It will take me a very long time to go through the documents to redact this information.

Alternatively, I can produce the documents to you now and once you identify the documents you would like to put on the record, we can have that confidential information redacted.

It is your call. I really have no ulterior motives here. I am just trying to get the documents to you as quickly as we can.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Friday, February 25, 2022 11:35 AM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - request for status of County's production

Leslie,

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With kind regards,

Jessica

Jessica Savoie
Of Counsel

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— CARR KANE & CONWAY —

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>

Sent: Friday, February 25, 2022 11:24 AM

To: Jessica Savoie <jsavoie@peifferwolf.com>; Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County - request for status of County's production

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Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Friday, February 25, 2022 8:20 AM
To: Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: FW: James v. Cuyahoga County - request for status of County's production

Matt and Leslie,

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Of Counsel

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From: Jessica Savoie

Sent: Thursday, February 24, 2022 1:03 PM

To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; lshafer@prosecutor.cuyahogacounty.us

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: James v. Cuyahoga County - request for status of County's production

Ken and Leslie,

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At the status conference of December 28, 2021, you agreed to provide responses by January 31, 2022. The County made a partial production with training records and policies only—without incident reports and videos of prior similar incidents—on February 1. At that time, you advised that we would need to make arrangements to view the incident reports at your office, and we responded that we would do so the next day to ensure that our review was complete before the February 7 status conference. We also provided our availability for the following week. You declined to make the documents available that week and advised on February 4 that you did not know when the warden could make the documents available.

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From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Greenwell, Matthew, D](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County - request for status of County's production
Date: Friday, February 25, 2022 1:15:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Leslie,

Thanks for explaining. We are agreeable to the County producing these documents under the Protective Order and coming to agreement on redactions as needed on a later date.

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Friday, February 25, 2022 12:08 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - request for status of County's production

Jessica,

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Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Friday, February 25, 2022 11:35 AM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - request for status of County's production

Leslie,

Thank you for the update. Please advise regarding why you think these incident reports, which are public records, may be designated confidential under the Protective Order.

The Protective Order (attached) provides at Paragraph 3:

Documents Which May be Designated CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER. Any party may designate documents as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER upon making a good faith determination that the documents contain information protected from disclosure by statute or that should be protected from disclosure as confidential personal information, medical or psychiatric information, trade secrets, personnel records, or such other sensitive commercial information that is not publicly available. Public records and other information or documents that are publicly available may not be designated as CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.

We are familiar with the content of these reports, and we have never seen any that include "confidential" information as defined by the Protective Order. They are public records. As the Protective Order states in Paragraph 1: "[T]here is a presumption in favor of open and public judicial proceedings in the federal courts, this Order shall be strictly construed in favor of public disclosure and open proceedings wherever possible."

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE & CONWAY —

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

peifferwolf.com



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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Friday, February 25, 2022 11:24 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - request for status of County's production

Hi Jessica,

We have been working hard gathering the requested documents. I will send out a production later today. By the end of next week, we should have all of the requested 2018 reports. We will produce these pursuant to our protective order.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Friday, February 25, 2022 8:20 AM

To: Greenwell, Matthew, D <mgreenwell@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: FW: James v. Cuyahoga County - request for status of County's production

Matt and Leslie,

This will forward my email from yesterday to include Matt.

Leslie, please provide the status of the County's production and expected timeline as requested in that email. Please also let me know if you'd like us to handle the review, as previously agreed before Ken offered to have the County review the incident reports.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: Jessica Savoie
Sent: Thursday, February 24, 2022 1:03 PM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; lshafer@prosecutor.cuyahogacounty.us
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: James v. Cuyahoga County - request for status of County's production

Ken and Leslie,

Please provide the status of producing the remaining documents responsive to our requests for production, which we propounded November 24, 2021.

At the status conference of December 28, 2021, you agreed to provide responses by January 31, 2022. The County made a partial production with training records and policies only—without incident reports and videos of prior similar incidents—on February 1. At that time, you advised that we would need to make arrangements to view the incident reports at your office, and we responded that we would do so the next day to ensure that our review was complete before the February 7 status conference. We also provided our availability for the following

week. You declined to make the documents available that week and advised on February 4 that you did not know when the warden could make the documents available.

At the status conference of February 7, you told the Court that you would work to make the documents available to us for review within two weeks, or by February 21. Then, on February 9, you told me by phone that you would have corrections employees who are on light duty review the incident reports for production as soon as possible. I asked you to produce the reports on a rolling basis so we could complete our review on a timely basis. We expected to begin receiving documents within the two-week period. It has now been more than two weeks since you agreed to have the County review and produce these reports, and we have not received any additional documents.

We are happy to revert to our prior agreement to have our office handle the document review, as we discussed with the Court. I can bring Ashlie and our paralegal Kelsey so we can work as quickly and efficiently as possible. Would you like us to handle the review? If so, I'll provide our availability for the next few weeks so we can set up dates and times that are convenient for everyone.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE & CONWAY

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From: [Jessica Savoie](#)
To: [Rock, Kenneth](#); lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Bcc: [Kelsey O'Hara](#)
Subject: James v. Cuyahoga County - request for status of County's production
Date: Thursday, February 24, 2022 1:02:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Ken and Leslie,

Please provide the status of producing the remaining documents responsive to our requests for production, which we propounded November 24, 2021.

At the status conference of December 28, 2021, you agreed to provide responses by January 31, 2022. The County made a partial production with training records and policies only—without incident reports and videos of prior similar incidents—on February 1. At that time, you advised that we would need to make arrangements to view the incident reports at your office, and we responded that we would do so the next day to ensure that our review was complete before the February 7 status conference. We also provided our availability for the following week. You declined to make the documents available that week and advised on February 4 that you did not know when the warden could make the documents available.

At the status conference of February 7, you told the Court that you would work to make the documents available to us for review within two weeks, or by February 21. Then, on February 9, you told me by phone that you would have corrections employees who are on light duty review the incident reports for production as soon as possible. I asked you to produce the reports on a rolling basis so we could complete our review on a timely basis. We expected to begin receiving documents within the two-week period. It has now been more than two weeks since you agreed to have the County review and produce these reports, and we have not received any additional documents.

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With kind regards,

Jessica

Jessica Savoie
Of Counsel

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EXHIBIT

1-P

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From: [Jessica Savoie](#)
To: [Greenwell, Matthew, D](#); [Leslie Shafer](#)
Cc: [Ashlie Case Sletvold](#)
Bcc: [Kelsey O'Hara](#)
Subject: FW: James v. Cuyahoga County - request for status of County's production
Date: Friday, February 25, 2022 8:20:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Matt and Leslie,

This will forward my email from yesterday to include Matt.

Leslie, please provide the status of the County's production and expected timeline as requested in that email. Please also let me know if you'd like us to handle the review, as previously agreed before Ken offered to have the County review the incident reports.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: Jessica Savoie
Sent: Thursday, February 24, 2022 1:03 PM
To: Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; lshafer@prosecutor.cuyahogacounty.us
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: James v. Cuyahoga County - request for status of County's production

Ken and Leslie,

Please provide the status of producing the remaining documents responsive to our requests for production, which we propounded November 24, 2021.

At the status conference of December 28, 2021, you agreed to provide responses by January 31, 2022. The County made a partial production with training records and policies only—without incident reports and videos of prior similar incidents—on February 1. At that time, you

EXHIBIT
1-Q

advised that we would need to make arrangements to view the incident reports at your office, and we responded that we would do so the next day to ensure that our review was complete before the February 7 status conference. We also provided our availability for the following week. You declined to make the documents available that week and advised on February 4 that you did not know when the warden could make the documents available.

At the status conference of February 7, you told the Court that you would work to make the documents available to us for review within two weeks, or by February 21. Then, on February 9, you told me by phone that you would have corrections employees who are on light duty review the incident reports for production as soon as possible. I asked you to produce the reports on a rolling basis so we could complete our review on a timely basis. We expected to begin receiving documents within the two-week period. It has now been more than two weeks since you agreed to have the County review and produce these reports, and we have not received any additional documents.

We are happy to revert to our prior agreement to have our office handle the document review, as we discussed with the Court. I can bring Ashlie and our paralegal Kelsey so we can work as quickly and efficiently as possible. Would you like us to handle the review? If so, I'll provide our availability for the next few weeks so we can set up dates and times that are convenient for everyone.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: [Jessica Savoie](#)
To: mistewart@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Bcc: [Kelsey O'Hara](#)
Subject: James v. Cuyahoga County: status of production?
Date: Monday, March 14, 2022 4:21:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Michael and Leslie,

When can we expect the remaining productions in response to our early Rule 34 requests propounded November 24, 2021?

We would like to complete our review of at least the responsive incident reports before the March 31 status conference with the Court.

Thanks,

Jessica

Jessica Savoie
Of Counsel

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From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Janeane Cappara](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County: status of production?
Date: Wednesday, March 30, 2022 9:03:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Leslie,

I can definitely be there to review files April 18, 21, and 22. I currently have things booked on April 19 and 20 but can attempt to reschedule those. We can also go into the following week.

When you refer to reviewing the files, are you still speaking only of incident reports, or will this include corresponding videos? If we will not be able to access video at your office, when do you intend to produce the videos responsive to our requests?

Thanks,

Jessica

Jessica Savoie
Of Counsel

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Wednesday, March 30, 2022 5:58 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County: status of production?

Jessica, Can you come to the prosecutor's office the week of April 18th to review and copy the files?

Additionally, please find attached a link for Cuyahoga County's supplemental discovery production.



The link expires on Monday.

 [03.30.2022 CC Supplemental Production Bates CC 1878 - CC 2484.pdf](#)

I look forward to talking with you tomorrow.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, March 30, 2022 10:47 AM
To: Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Subject: RE: James v. Cuyahoga County: status of production?

Janeane,

I trust that by now you have had time to review the status of this matter.

In advance of tomorrow's status conference with the Court, please let me know when we can expect to receive the remainder of the County's overdue discovery productions. If you do not expect to make these productions promptly, we should discuss returning to the plan Mr. Rock and I agreed upon at the last status conference, which was that your office would make the incident reports available for my and Ashlie's review and copying.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: Jessica Savoie

Sent: Monday, March 21, 2022 3:44 PM

To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Okay, great. Then Janeane should have no trouble getting up to speed!

Jessica Savoie
Of Counsel

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>

Sent: Monday, March 21, 2022 3:40 PM

To: Jessica Savoie <jsavoie@peifferwolf.com>; Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

I am, Jessica.

From: Jessica Savoie <jsavoie@peifferwolf.com>

Sent: Monday, March 21, 2022 3:39 PM

To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Thank you for the update.

Leslie, are you still working on this case?

Jessica Savoie
Of Counsel

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From: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>

Sent: Monday, March 21, 2022 3:12 PM

To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Hi Jessica. Slight change of plans. Janeane Cappara will actually be taking over lead on this case on our end. Janeane is copied on this email. She is not available tomorrow afternoon, but will reach out to set up a call yet this week to discuss the case, including discovery status.

Best,

Michael J. Stewart
Assistant Prosecuting Attorney- Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-6673
Email: mjstewart@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>

Sent: Wednesday, March 16, 2022 9:32 AM

To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer

<lshafer@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Yes, that's my direct line. I'll talk to you then!

Jessica Savoie
Of Counsel



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From: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>

Sent: Wednesday, March 16, 2022 9:31 AM

To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Let's go with 1. Is this the right number:

216-340-1803?

Michael J. Stewart
Assistant Prosecuting Attorney- Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-6673
Email: mjstewart@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>

Sent: Wednesday, March 16, 2022 9:29 AM

To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Michael,

Of course. I'm available Tuesday at 9:00 or 1:00. Would you like to speak at one of those times?

Thank you,

Jessica

Jessica Savoie
Of Counsel



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Main: 216-340-1803 | **Fax:** 216-258-0161

Gender pronouns: she/her/hers

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From: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>

Sent: Wednesday, March 16, 2022 9:27 AM

To: Jessica Savoie <jsavoie@peifferwolf.com>; Leslie Shafer
<lshafer@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: RE: James v. Cuyahoga County: status of production?

Hi Jessica. Sorry for the late reply. I have been in depts the past couple of days and I am still trying to get my arms around this case. Do you have time for a quick phone call early next week, perhaps Tuesday to discuss?

Michael J. Stewart
Assistant Prosecuting Attorney- Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-6673
Email: mjstewart@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>

Sent: Monday, March 14, 2022 4:22 PM

To: Stewart, Michael, J. <mjstewart@prosecutor.cuyahogacounty.us>; Leslie Shafer
<lshafer@prosecutor.cuyahogacounty.us>

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: James v. Cuyahoga County: status of production?

Michael and Leslie,

When can we expect the remaining productions in response to our early Rule 34 requests propounded November 24, 2021?

We would like to complete our review of at least the responsive incident reports before the March 31 status conference with the Court.

Thanks,

Jessica

Jessica Savoie
Of Counsel



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From: [Jessica Savoie](#)
To: lshafer@prosecutor.cuyahogacounty.us; jcappara@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: RE: James v. Cuyahoga County - following up on prior email
Date: Wednesday, June 1, 2022 8:32:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane and Leslie,

In advance of Monday's status conference, please let us know when we can expect to begin receiving the videos listed in my prior letter.

Also, would you be amenable to conducting the status conference in-person instead of by phone?

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Direct: 216-340-1803 | **Fax:** 504-608-1465

Gender pronouns: she/her/hers

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From: Jessica Savoie
Sent: Thursday, May 19, 2022 12:41 PM
To: lshafer@prosecutor.cuyahogacounty.us; jcappara@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold <asletvold@peifferwolf.com>](mailto:asletvold@peifferwolf.com); [Kelsey O'Hara <kohara@peifferwolf.com>](mailto:kohara@peifferwolf.com)
Subject: James v. Cuyahoga County

Janeane and Leslie,

Please see the attached letter, which started as an email but quickly became unwieldy. Let me know if you'd like to discuss.

Thanks,

EXHIBIT
1-T

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
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Direct: 216-340-1803 | **Fax:** 504-608-1465

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From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Janeane Cappara](#)
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: Re: James v. Cuyahoga County - following up on prior email
Date: Thursday, June 2, 2022 10:51:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Leslie,

We are not available Monday before the status conference. Ashlie and I are both traveling and out of town for a conference today and tomorrow. If you let me know your availability for tomorrow afternoon, I will try to excuse myself to call you, but I can't guarantee I'll be able to get away.

In the meantime, please let us know the status of providing videos and additional training materials (or confirming that all such materials have been produced) via email.

Thanks,

Jessica

Jessica Savoie
Of Counsel
Peiffer Wolf Carr Kane Conway & Wise
1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
(504)729-7866 (mobile)
(216) 340-1803 (direct)
Gender pronouns: she/her/hers

From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Thursday, June 2, 2022 9:09:58 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - following up on prior email

Hello Jessica,

We would rather do the status conference over the phone. Are you available to talk a half hour before the status conference (around 1:30) to discuss the case?

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
th



8 Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Wednesday, June 1, 2022 8:32 AM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>
Subject: RE: James v. Cuyahoga County - following up on prior email

Janeane and Leslie,

In advance of Monday's status conference, please let us know when we can expect to begin receiving the videos listed in my prior letter.

Also, would you be amenable to conducting the status conference in-person instead of by phone?

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Direct: 216-340-1803 | **Fax:** 504-608-1465

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From: Jessica Savoie

Sent: Thursday, May 19, 2022 12:41 PM

To: lshafer@prosecutor.cuyahogacounty.us; jcappara@prosecutor.cuyahogacounty.us

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>; Kelsey O'Hara <kohara@peifferwolf.com>

Subject: James v. Cuyahoga County

Janeane and Leslie,

Please see the attached letter, which started as an email but quickly became unwieldy. Let me know if you'd like to discuss.

Thanks,

Jessica

Jessica Savoie
Of Counsel

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CARR KANE CONWAY & WISE

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Direct: 216-340-1803 | **Fax:** 504-608-1465

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From: [Jessica Savoie](#)
To: lshafer@prosecutor.cuyahogacounty.us; jcaparra@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Subject: James v. Cuyahoga County, et al.: copy of demand
Date: Monday, June 6, 2022 2:22:00 PM
Attachments: [2021.10.04 J. Savoie to B. Healy re demand on behalf of Deonte James.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane and Leslie,

It was nice to speak with you this afternoon! Here is a copy of the pre-suit demand.

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
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From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Janeane Cappara](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County, et al.: copy of demand
Date: Monday, July 11, 2022 10:30:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Leslie,

In that case, please proceed with producing the use-of-force videos by August 5.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-242-6492

Gender pronouns: she/her/hers

****Please note that our Cleveland, Ohio office has moved to: 6370 SOM Center Rd., Suite 108, Cleveland, OH 44139. All phone numbers will remain the same.****

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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Monday, July 11, 2022 9:44 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: copy of demand

Good Morning,

The Court ordered us to respond to your demand. This was our response.

Best,



Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Thursday, July 7, 2022 3:06 PM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: Re: James v. Cuyahoga County, et al.: copy of demand

Leslie,

We enjoy working with Magistrate Judge Greenberg and would be happy to mediate with him if our client agrees. After we receive the settlement offer the Court ordered at the last status conference, we will discuss mediation with our client in conjunction with reviewing the offer.

Thank you,

Jessica

Jessica Savoie

Of Counsel
Peiffer Wolf Carr Kane Conway & Wise
1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
(504)729-7866 (mobile)
(216) 340-1803 (direct)
Gender pronouns: she/her/hers

From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Thursday, July 7, 2022 7:51 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: copy of demand

Good Afternoon Jessica and Ashlie,

I hope you had a good Independence Day.

We were able to get settlement authority. Would you be interested in having the case mediated? Greenburg is the court appointed mediator. We would be happy having him mediate the case.

Let us know your thoughts.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Monday, June 6, 2022 2:23 PM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: James v. Cuyahoga County, et al.: copy of demand

Janeane and Leslie,

It was nice to speak with you this afternoon! Here is a copy of the pre-suit demand.

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Direct: 216-340-1803 | **Fax:** 504-608-1465

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From: [Jessica Savoie](#)
To: [Leslie Shafer](#); [Janeane Cappara](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County, et al.: copy of demand
Date: Tuesday, July 12, 2022 12:12:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

To clarify, we cannot recommend that our client pursue mediation without receiving an initial offer to allow us to determine whether mediation has a realistic chance of success. We are not willing to further delay receiving the County's responses to our discovery requests to prepare for and attend a mediation with no prospect of resolution. We have no wish to engage in a fruitless exercise that would delay discovery and waste the time and efforts of all counsel and Magistrate Judge Greenberg.

In the absence of an initial offer from the County and an agreement to mediate, we will proceed with discovery and will require the production of use-of-force videos, as agreed at the June 6 status conference.

Jessica Savoie
Of Counsel

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6370 SOM Center Rd., Suite 108
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From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Tuesday, July 12, 2022 10:52 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: copy of demand

Do you not want to do mediation then? I am just trying to get clarity.

EXHIBIT

1-X

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Monday, July 11, 2022 10:31 AM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: copy of demand

Leslie,

In that case, please proceed with producing the use-of-force videos by August 5.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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Sent: Monday, July 11, 2022 9:44 AM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: copy of demand

Good Morning,
The Court ordered us to respond to your demand. This was our response.

Best,

Leslie J. Shafer

Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Thursday, July 7, 2022 3:06 PM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: Re: James v. Cuyahoga County, et al.: copy of demand

Leslie,

We enjoy working with Magistrate Judge Greenberg and would be happy to mediate with him if our client agrees. After we receive the settlement offer the Court ordered at the last status conference, we will discuss mediation with our client in conjunction with reviewing the offer.

Thank you,

Jessica

Jessica Savoie

Of Counsel
Peiffer Wolf Carr Kane Conway & Wise
1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
(504)729-7866 (mobile)
(216) 340-1803 (direct)
Gender pronouns: she/her/hers

From: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Sent: Thursday, July 7, 2022 7:51 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: copy of demand

Good Afternoon Jessica and Ashlie,

I hope you had a good Independence Day.

We were able to get settlement authority. Would you be interested in having the case mediated? Greenburg is the court appointed mediator. We would be happy having him mediate the case.

Let us know your thoughts.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Monday, June 6, 2022 2:23 PM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>; Janeane Cappara <jcappara@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: James v. Cuyahoga County, et al.: copy of demand

Janeane and Leslie,

It was nice to speak with you this afternoon! Here is a copy of the pre-suit demand.

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
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From: [Leslie Shafer](#)
To: [Jessica Savoie](#)
Cc: [Janeane Cappara](#)
Subject: RE: James v. Cuyahoga County - question about designations for videos
Date: Tuesday, May 10, 2022 1:37:17 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Jessica,

Give as much information as you can – i.e. the inmates name, SO#, date, location, officers involved, etc. Please identify your top priority incidents and we can go from there. Prior to the system we have now, the videos were *not* organized and labeled in a uniform fashion. Frankly, this is going to take a lot of time and effort. Please keep that in mind.

Best,

Leslie J. Shafer
Assistant Prosecuting Attorney, Civil Division
Cuyahoga County Prosecutor's Office
8th Floor, Justice Center
1200 Ontario Street, Courts Tower
Cleveland, Ohio 44113
(216) 443-8099
Email: lshafer@prosecutor.cuyahogacounty.us

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Tuesday, May 10, 2022 10:48 AM
To: Leslie Shafer <lshafer@prosecutor.cuyahogacounty.us>
Subject: James v. Cuyahoga County - question about designations for videos

Leslie,

Per your request, we are planning to prepare a list of videos we'd like to see from the incident reports we've collected. What is the best way for us to designate the videos we are requesting? (Inmate name, date of incident, etc.?)

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
— CARR KANE CONWAY & WISE —



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Cleveland, OH 44115
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From: [Jessica Savoie](#)
To: lshafer@prosecutor.cuyahogacounty.us; jcappara@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#); [Kelsey O'Hara](#)
Subject: James v. Cuyahoga County
Date: Thursday, May 19, 2022 12:41:00 PM
Attachments: [2022.05.19 J. Savoie to J. Cappara and L. Shafer re training records and UOF videos.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane and Leslie,

Please see the attached letter, which started as an email but quickly became unwieldy. Let me know if you'd like to discuss.

Thanks,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

1422 Euclid Avenue, Suite 1610
Cleveland, OH 44115
Direct: 216-340-1803 | **Fax:** 504-608-1465

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Jessica Savoie | Of Counsel

📍 1422 Euclid Ave, Suite 1610, Cleveland, OH 44115

📞 216-340-1803 📠 216-258-0161 ✉️ jsavoie@peifferwolf.com

May 19, 2022

Janeane Cappara and Leslie Shafer
Cuyahoga County Prosecutor's Office, Civil Unit
1200 Ontario Street, 8th Floor
Cleveland, OH 44113
Via email to jcappara@prosecutor.cuyahogacounty.us
and lshafer@prosecutor.cuyahogacounty.us

Janeane and Leslie,

This letter will follow up on the status of whether the County's responses to our discovery requests for training materials is complete and provide a list of several videos we would like to receive.

TRAINING RECORDS

In our previous conversations, Leslie indicated that she did not know whether the County's responses to our Requests for Production seeking training materials (specifically, Requests Nos. 2, 3, 4, 8, and 9) were complete. For reference, these requests sought the following records:

Request No. 2: All documents related to training provided to County corrections officers regarding use of force against inmates with mental illness from March 5, 2015 to the present.

Request No. 3: All documents related to training provided to County corrections officers regarding monitoring inmates with mental illness from March 5, 2015 to the present.

Request No. 4: All documents related to training provided to County corrections officers regarding evaluating the medical needs of inmates with mental illness, including standards and procedures for when and how to refer inmates to a mental-healthcare provider.

Request No. 8: All documents regarding training provided to County corrections officers on O.C.-foam decontamination from March 5, 2015 to the present. Production should specifically include training materials and videos of training.

Request No. 9: All documents regarding training provided to County corrections officers about when, whether, and how to intervene if another officer uses excessive force against an inmate. Production should specifically include training materials and videos of training.

These requests encompass materials documenting the training received by Defendants Broeckel, Bodeker, and Barthany, as reflected in the lists of courses the County has produced. For your convenience, we have prepared lists of the specific training materials that appear most relevant:

Peiffer Wolf Main Office
1519 Robert C. Blakes Sr. Dr.
New Orleans, LA 70130
Main: (504) 523-2434

Los Angeles
(415) 766-3545
Cleveland
(216) 589-9280

San Francisco
(415) 766-3544
St. Louis
(314) 669-3600

New York
(585) 310-5140
Austin
(512) 535-6608

Courses taken by Defendant Broeckel:

- Subject Control Techniques, taken August 5, 2008 with Instructor Ivey;
- Use of Force, taken November 6, 2008 with Instructor Matejka/McArthur;
- Subject Control Techniques, taken May 13, 2009 with Instructor Schwartz;
- Subject Control Techniques, taken August 9, 2009 with Instructor Schwartz;
- Use of Force, taken March 6, 2011 with Instructor Branch;
- Subject Control Techniques, taken January 29, 2013 with Instructor V. McArthur/M. Thenevin;
- Suicide Prevention: Detection, Interventions, and Response, taken January 29, 2013 with Instructor Nurse Deavers;
- Overview of Correctional Legal Issues and Inmate Rights, taken January 31, 2013 with Instructor K. Kochevar;
- Use of Force, taken June 3, 2013 with Instructor Kent Police Department;
- Use of Force, taken June 3, 2013 with Instructor Paul Canfield;
- Subject Control Techniques, taken August 19, 2013 with Instructor J. Kelley;
- Use of Force, taken April 20, 2015 with Instructor Paul Canfield/Pepperball tech;
- Use of Force, taken April 24, 2015 with Instructor McArthur/Ivey;
- Suicide Prevention, Detection, Interventions, and Response, taken November 13, 2015 with Instructor “Online Training CCJ;”
- Use of Force, taken June 18, 2016 with Instructor V. McArthur;
- Suicide Prevention, Detection, Interventions, and Response, taken December 15, 2016 with Instructor “On Line Annual Training;”
- Crisis Intervention Skills and Dealing with the Special Needs Inmate, taken July 28, 2017 with Instructor ADAMHS Board of Cuyahoga County;
- Correction Officer Liability and Rights, taken May 6, 2019 with Instructor T O’Connor;
- Use of Force, taken May 14, 2019 with Instructor Paul Canfield.

Courses taken by Defendant Bodeker:

- Crisis Intervention Skills and Dealing with the Special Needs Inmate, taken July 19, 2012 with Instructor Price and E. Koenig;
- Suicide Prevention: Detection, Interventions, and Response, taken July 19, 2012 with Instructor C. McIntyre;
- OPOTA, taken September 5, 2014 with Instructor “OPOTA Instructors;”

- Suicide Prevention: Detection, Interventions, and Response, taken August 30, 2015 with Instructor “Online Training CCJ;”
- Suicide Prevention: Detection, Interventions, and Response, taken December 15, 2016 with Instructor “On Line Annual training;”
- Use of Force, taken August 18, 2017 with Instructor Sgt. Matejka;
- Suicide Prevention: Detection, Interventions, and Response, taken August 20, 2017 with Instructor “OnLine training MyHR;”
- Use of Force, taken September 15, 2017 with Instructor Det. Sgt. S. Veverka;
- Use of Force, taken February 18, 2018 with Instructor J. Kelley;
- Crisis Intervention Skills and Dealing with the Special Needs Inmate, taken March 18, 2019 with Instructor “ADAMHS;”
- Corrections Officer Liability and Rights, taken May 6, 2019 with Instructor T. O’Connor.

Courses taken by Defendant Barthany:

- Crisis Intervention Skills and Dealing with the Special Needs Inmate, taken January 15, 2019 with Instructor “ADAMSHS Board;”
- Correction Officer Liability and Rights, taken May 17, 2019 with Instructor T.O’Connor;
- Inmate Supervision: The Role of the Correction Officer, taken April 1, 2013 with Instructor Eric Ivey;
- Subject Control Techniques, taken April 2, 2013 with Instructor Matejka/Thenevin;
- Suicide Prevention: Detection, Interventions, and Response, taken April 8, 2013 with Instructor Charles McIntyre;
- Corrections Officer Liability and Rights, taken July 28, 2014 with Instructor R. Shobert;
- Use of Force, taken July 28, 2014 with Instructor J. Kelley;
- Overview of Correctional Legal Issues and Inmate Rights, taken July 29, 2014 with Instructor Ivey;
- Subject Control Techniques, taken July 29, 2014 with Instructor M. Thenevin;
- Use of Force, taken July 29, 2014 with Instructor J. Kelley;
- Crisis Intervention Skills and Dealing with the Special Needs Inmate, taken July 30, 2014 with Instructor V. McArthur;
- Use of Force, taken July 30, 2014 with Instructor J. Kelley;
- Use of Force, taken July 31, 2014 with Instructor A. Broeckel;
- Use of Force, taken July 31, 2014 with Instructor Dep. Ververka;

- OPOTA, taken November 21, 2014 with Instructor “OPOTA certified instructors;”
- Suicide Prevention: Detection, Interventions, and Response, taken August 30, 2015 with Instructor “On-line Training CCJ.”

Please advise whether the County has produced all training records in response to Requests Nos. 2, 3, 4, 8, and 9, specifically including but not limited to the courses the Defendant officers took, as listed above.

USE-OF-FORCE VIDEOS

Additionally, per your request, we have been working to prioritize the use-of-force videos we would like the County to produce based on the incident reports produced. Please begin producing the following videos on a rolling basis:

Inmate Name	Inmate Number	Date of Incident	Incident Report Bates Number
Abdulhagg, Muhammed	0236463	8/5/2018	3578
Allen, Genesis	0329155	8/6/2018	3554
Beckman, Molly	0337188	6/9/2019	3747
Bell, Terrell	0328416	8/4/2018	3558
Benjamin, Deante	0206625	8/6/2018	3401
Bilal, Levonte	0323260	9/23/2018	4598
Blackshear, Antoine	0186338	12/30/2018	5566
Bonner, Anthony	0212328	8/7/2018	3398
Brady, Colin	0327112	3/9/2018	4693
Brown, Jamar	0283968	7/24/2018	3355
Brown, Shauntez	0331391	8/6/2018	3417
Bunn, Batal	0335267	5/6/2019	5879
Castleberry, Joshua	0326936	12/15/2017	3869
Collins, Marvel	0326691	9/6/2018	3650
Conway, Gabrielle	0290789	12/21/2018	5648
Dejesus, Joselito	0218586	10/5/2018	4350
Donegan, Patrick	0251419	12/12/2017	3943
Elliot, Laroscoe	0267787	12/16/2017	4170
Esleridge, Kevin	0147255	6/6/2019	3756
Flowers, Anthony	0250223	6/23/2019	3719
Glaze, Chariell	0313347	11/27/2017	4090
Goldshtein, Feliks	0299412	3/13/2018	4742
Graves, William	0278879	10/26/2017	5680
Gregory, Aaron	0297844	6/28/2019	5179
Griffin, Marcus	0336207	7/12/2019	5194
Griffin, Marcus	0336207	7/4/2019	5237
Hamilton, Deonte	0292567	3/24/2018	4873
Hamm, Joshua	0308827	2/3/2018	3221
Harris, Terry	0212023	8/30/2018	3583

Inmate Name	Inmate Number	Date of Incident	Incident Report Bates Number
Hill, Joe	0290184	4/10/2018	6364
Holmes, Davon	0314894	11/12/2018	6052
Johnson, James	0262501	11/20/2017	4033
Massimiani, Brian	0277578	7/19/2018	3626
McAlpine, Joseph	0261499	11/19/2017	4060
McCann, Deandre	0333718	11/16/2018	5948
McGinnis, Kenneth	0303197	4/28/2018	6221
McPherson, Alphonso	0269815	3/9/2018	4722
Muldrow, Jasper	0333565	11/12/2018	5909
Nugent, Michael	0285850	4/4/2018	6108
O'Brien, Joshua	0328055	2/26/2018	3264
Padus, Bogdan	0332325	9/18/2018	4424
Petty, Willie	0248209	9/19/2018	4410
Plato, Jan	0304729	5/20/2019	3800
Rahmon, Jamal	0326225	11/27/2017	3918
Range, Chaise	0315719	4/8/2018	6357
Rapier, Michael	0281909	4/17/2018	6377
Rice, Mario	0301541	10/1/2018	4525
Samuels, Antwan	0321399	10/19/2018	4244
Sanchez, Ismael	0249993	4/11/2018	6143
Scott, Kwoquan	0266174	12/6/2017	4116
Short, Jimmy	0207164	11/6/2018	5925
Smith, Edward	0165407	1/19/2018	3085
Smith, Nicole	0322223	11/29/2017	4069
Sutton, Adolphus	0197620	3/9/2018	4729
Tell, James	0267188	8/5/2018	3566
Turner, David	0321186	5/7/2019	5752
Turner, Isaiah	0322476	12/29/2017	4215
Vaughn, Kenneth	0259898	12/18/2017	3936
Vittardi, Matthew	0316727	10/8/2018	4344
Williams, Jonathan	0238832	7/14/2018	3512

I look forward to seeing you at the next status conference.

Sincerely,



Jessica S. Savoie

cc: Ashlie Case Sletvold

October 3, 2022

Janeane Cappara and Leslie Shafer
Cuyahoga County Prosecutor's Office, Civil Unit
1200 Ontario Street, 8th Floor
Cleveland, OH 44113
Via email to jcappara@prosecutor.cuyahogacounty.us
and lshafer@prosecutor.cuyahogacounty.us

Janeane and Leslie,

We would like to set a time to confer regarding a discovery dispute: the County's failure to provide use-of-force videos in response to Requests for Production of Documents propounded November 24, 2021. If the mediation is unsuccessful on October 6, please be prepared to confer immediately following the conclusion of mediation so that we can make the most efficient use of time when we have mutual availability.

In requests for production propounded November 24, 2021, we asked the County to provide the following:

Request No. 1: All documents related to the use of force by any corrections officer against any inmate housed in the Jail's Mental Health Unit from October 19, 2017 to October 27, 2019. Production should specifically include video footage from surveillance and body-worn cameras and written reports of such incidents.

Request No. 5: All documents related to the use of force against restrained inmates from October 19, 2017 to October 27, 2019. Production should include video footage from surveillance and body-worn cameras and written reports of such incidents.

The County requested Plaintiff's agreement to provide incident reports requested November 24 in advance of producing the use-of-force videos. We agreed. After the County required Plaintiff's counsel to review the incident reports for responsiveness at the Justice Center in April and May 2022, the County produced incident reports on May 3 and May 10, 2022 and represented that this concluded production of responsive reports. The undersigned then prompted the County's counsel to proceed with producing the incident videos on May 10. Ms. Shafer, citing to technical difficulties with the County's recordkeeping, requested on May 10 that we narrow our requests for videos and provide detailed information (including the date, inmate number, and inmate name) for each incident requested.

Of the more than 450 relevant incident reports, we requested for 60 incidents as a first-round production on May 19. The May 19 letter included detailed information on each of the following incidents (including inmates' names and inmate numbers):

Peiffer Wolf Main Office
1519 Robert C. Blakes Sr. Dr.
New Orleans, LA 70130
Main: (504) 523-2434

Los Angeles
(415) 766-3545
Cleveland
(216) 589-9280

San Francisco
(415) 766-3544
St. Louis
(314) 669-3600

New York
(585) 310-5140
Austin
(512) 535-6608

EXHIBIT

1-AA

Date of Incident	Incident Report Bates Number
8/5/2018	3578
8/6/2018	3554
6/9/2019	3747
8/4/2018	3558
8/6/2018	3401
9/23/2018	4598
12/30/2018	5566
8/7/2018	3398
3/9/2018	4693
7/24/2018	3355
8/6/2018	3417
5/6/2019	5879
12/15/2017	3869
9/6/2018	3650
12/21/2018	5648
10/5/2018	4350
12/12/2017	3943
12/16/2017	4170
6/6/2019	3756
6/23/2019	3719
11/27/2017	4090
3/13/2018	4742
10/26/2017	5680
6/28/2019	5179
7/12/2019	5194
7/4/2019	5237
3/24/2018	4873
2/3/2018	3221
8/30/2018	3583
4/10/2018	6364
11/12/2018	6052
11/20/2017	4033
7/19/2018	3626
11/19/2017	4060
11/16/2018	5948
4/28/2018	6221
3/9/2018	4722
11/12/2018	5909
4/4/2018	6108
2/26/2018	3264
9/18/2018	4424
9/19/2018	4410

Date of Incident	Incident Report Bates Number
5/20/2019	3800
11/27/2017	3918
4/8/2018	6357
4/17/2018	6377
10/1/2018	4525
10/19/2018	4244
4/11/2018	6143
12/6/2017	4116
11/6/2018	5925
1/19/2018	3085
11/29/2017	4069
3/9/2018	4729
8/5/2018	3566
5/7/2019	5752
12/29/2017	4215
12/18/2017	3936
10/8/2018	4344
7/14/2018	3512

We specifically requested that the County begin producing these videos on a rolling basis in the May 19 letter. The County produced no videos. At the June 6, 2022 status conference, Ms. Shafer advised both Plaintiff's counsel and the Court that the County would produce these 60 videos within 60 days. At the July 18, 2022 status conference, the Court agreed to allow the County to delay producing the videos pending the mediation but reminded the County that only about three weeks would remain for the County to produce the videos if the mediation failed.

As we have explained multiple times, Mr. James has a right to request and receive these videos to prove his *Monell* claims against the County for customs of (1) excessive force against incarcerated people with mental illness and (2) excessive force against incarcerated people who were already restrained. We have narrowly tailored both the substance of these *Monell* claims and our discovery requests for evidence to support these claims. We have limited the temporal scope of these requests to incident reports and videos within the two years before Mr. James's October 18, 2019 incident. We have sought, as an initial video production, videos for only 60 of the 450 relevant incidents identified from the reports.

These videos are public records, and the County is required by the Ohio Public Records Act, R.C. 149.43(B)(2), to "organize and maintain public records in a manner that they can be made available for inspection or copying" upon request. The videos should be readily accessible for production, not only as public records, but as subject to any number of litigation holds for this and other lawsuits.

Based on the County's assurance, through counsel, that the 60 identified videos would be produced within 60 days of the June 6 status conference, we request that the County produce these 60 videos by October 25, 2022 to avoid further delay. Please be prepared to confer regarding this discovery dispute at or directly after the mediation set for October 6, when we will have shared availability.

With kind regards,

A handwritten signature in blue ink that reads "Jessica S. Savoie". The signature is written in a cursive, flowing style.

Jessica S. Savoie



Jessica Savoie | Of Counsel

6370 SOM Center Rd., Suite 108, Cleveland, OH 44139

216-340-1803 216-258-0161 jsavoie@peifferwolf.com

October 3, 2022

Janeane Cappara and Leslie Shafer
Cuyahoga County Prosecutor's Office, Civil Unit
1200 Ontario Street, 8th Floor
Cleveland, OH 44113
Via email to jcappara@prosecutor.cuyahogacounty.us
and lshafer@prosecutor.cuyahogacounty.us

Janeane and Leslie,

If the October 6 mediation is unsuccessful, the confidentiality designations placed on the use-of-force reports (which the County produced after requiring us to review the reports for responsiveness at the Justice Center in April and May) must be removed. These reports should not be designated confidential under the terms of the stipulated Protective Order, ECF No. 11.

Ms. Shafer indicated in her emails of February 25, 2022 that the County intended to produce use-of-force incident reports "subject to the Protective Order" because "[s]ome of the documents [contain] confidential information that is not subject to public disclosure such [as] medical information and social security numbers." We agreed to this proposal as a temporary measure to make progress on obtaining documents responsive to our November 24, 2021 discovery requests.

We have reviewed the County's production of incident reports designated "Confidential-Subject to Protective Order." Based on our review, the incident reports should not be designated "Confidential-Subject to Protective Order." These documents do not contain medical records, psychiatric records, trade secrets, or sensitive commercial or personal information. The reports are public records, which are specifically exempt from the Protective Order's scope. ECF No. 11, ¶ 3.

The following pages contain social security numbers, which should be redacted:

- CC001025;
- CC001237;
- CC001390;
- CC004291;
- CC005568;
- CC005679;
- CC005949; and
- CC007080.

Please confirm on or before October 6 that you consent to removing the confidentiality designations for CC000955-1877 and CC3083-7488 and making the redactions identified above by Thursday, October 13, 2022. (We will remove the designations and make the redactions, if you like.) If you will not agree, please be prepared to confer on October 6 during or after the mediation.

EXHIBIT

1-BB

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San Francisco
(415) 766-3544
St. Louis
(314) 669-3600

New York
(585) 310-5140
Austin
(512) 535-6608

With kind regards,

A handwritten signature in blue ink that reads "Jessica S. Savoie". The signature is written in a cursive style with a large, looped "J" and a distinct "S" for the middle initial.

Jessica S. Savoie

From: [Jessica Savoie](#)
To: calabrese_chambers@ohnd.uscourts.gov
Cc: [Ashlie Case Sletvold](#); jcappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Subject: James v. Cuyahoga County, et al.: Case No. 1:21-cv-1958 - Request to address discovery disputes at October 19 status conference
Date: Monday, October 17, 2022 11:16:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Judge Calabrese,

This will inform the Court that the parties have two discovery disputes. Plaintiff's counsel certifies that she has made sincere and good-faith efforts to resolve these disputes by conferring with Defendants' counsel, as required by the Court's Civil Standing Order and Local Rule 37.1.

Plaintiff's counsel respectfully requests the Court's assistance in resolving these disputes at the telephonic status conference scheduled for October 19 at 4:00 p.m.

Please advise if the Court requires any information about the two disputes in advance of the status conference. Thank you for your continued attention to this matter.

Respectfully,

Jessica Savoie
Counsel for Plaintiff Deonte James

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-340-1803

Gender pronouns: she/her/hers

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EXHIBIT
1-CC

From: [Jessica Savoie](#)
To: jcappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Bcc: [Kelsey O'Hara](#)
Subject: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Monday, October 31, 2022 8:47:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[2022.10.03 J. Savoie to County counsel re improper confidentiality designations.pdf](#)
[2022.10.03 J. Savoie to County counsel re discovery disputes.pdf](#)
[2022.05.19 J. Savoie to J. Cappara and L. Shafer re training records and UOF videos.pdf](#)

Janeane and Leslie,

We have received your email to Ms. Yesiolowski and your notice of withdrawal of the motion to bifurcate.

Please advise regarding when we can expect to receive the 60 videos requested in the May 19 letter and addressed in our October 3 letter and October 17 telephone conferral. As requested in the May 19 letter, we would like to receive these videos responsive to our November 24, 2021 discovery requests on a rolling basis.

Please also confirm that the County will promptly remove the confidentiality designations (or authorize the removal of the designations) on the public-record incident reports produced as CC000955-1877 and CC3083-7488, as referenced in the attached October 3 letter and addressed at the October 17 telephone conferral. Please advise of whether the County has determined that any redactions other than those identified in our October 3 letter are necessary under the terms of the Protective Order.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: [Jessica Savoie](#)
To: jcappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Bcc: [Kelsey O'Hara](#)
Subject: RE: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Wednesday, November 2, 2022 9:03:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane and Leslie,

This will follow up on my email from Monday morning. Please provide a response at your earliest convenience.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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From: Jessica Savoie
Sent: Monday, October 31, 2022 8:48 AM
To: jcappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17

Janeane and Leslie,



From: Jessica Savoie

Sent: Monday, October 31, 2022 8:48 AM

To: jcappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us

Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>

Subject: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17

Janeane and Leslie,

We have received your email to Ms. Yesiolowski and your notice of withdrawal of the motion to bifurcate.

Please advise regarding when we can expect to receive the 60 videos requested in the May 19 letter and addressed in our October 3 letter and October 17 telephone conferral. As requested in the May 19 letter, we would like to receive these videos responsive to our November 24, 2021 discovery requests on a rolling basis.

Please also confirm that the County will promptly remove the confidentiality designations (or authorize the removal of the designations) on the public-record incident reports produced as CC000955–1877 and CC3083–7488, as referenced in the attached October 3 letter and addressed at the October 17 telephone conferral. Please advise of whether the County has determined that any redactions other than those identified in our October 3 letter are necessary under the terms of the Protective Order.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

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— CARR KANE CONWAY & WISE —

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Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-340-1803

Gender pronouns: she/her/hers

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From: [Jessica Savoie](#)
To: jcappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Subject: Re: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Thursday, November 3, 2022 9:46:09 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane and Leslie,

To follow up again on my email from Monday, please advise regarding when we can expect the video production and incident reports without the confidentiality designations or, alternatively, whether we should request a status conference with the Court to address these issues in full. We have already conferred about both issues on October 17. We would like to avoid further delay.

Ashlie and I are both attending a conference today, but I can be reached by cell at (504) 729-7866 if you would like to discuss.

With kind regards,

Jessica

Jessica Savoie
Of Counsel
Peiffer Wolf Carr Kane Conway & Wise
6370 SOM Center Road
Suite 108
Cleveland, OH 44139
(504)729-7866 (mobile)
(216) 340-1803 (direct)
Gender pronouns: she/her/hers

From: Jessica Savoie
Sent: Wednesday, November 2, 2022 9:03:19 AM
To: jcappara@prosecutor.cuyahogacounty.us <jcappara@prosecutor.cuyahogacounty.us>; lshafer@prosecutor.cuyahogacounty.us <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: RE: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17

Janeane and Leslie,

This will follow up on my email from Monday morning. Please provide a response at your earliest convenience.

With kind regards,

Jessica



Jessica Savoie
Of Counsel

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From: [Cappara, Janeane](#)
To: [Jessica Savoie](#); [Shafer, Leslie](#)
Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Thursday, November 3, 2022 1:40:42 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Jessica,

Are you available on Monday or Tuesday afternoon to talk?

Also, can you please provide a few deposition dates for your client?

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From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Thursday, November 3, 2022 9:46 AM
To: Cappara, Janeane <jcappara@prosecutor.cuyahogacounty.us>; Shafer, Leslie <lshafer@prosecutor.cuyahogacounty.us>
Cc: Ashlie Case Sletvold <asletvold@peifferwolf.com>
Subject: Re: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17

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Of Counsel
Peiffer Wolf Carr Kane Conway & Wise
6370 SOM Center Road
Suite 108
Cleveland, OH 44139



(504)729-7866 (mobile)
(216) 340-1803 (direct)
Gender pronouns: she/her/hers

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Sent: Wednesday, November 2, 2022 9:03:19 AM

To: jcappara@prosecutor.cuyahogacounty.us <jcappara@prosecutor.cuyahogacounty.us>;
lshafer@prosecutor.cuyahogacounty.us <lshafer@prosecutor.cuyahogacounty.us>

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Cc: [Ashlie Case Sletvold](#)
Subject: Re: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Thursday, November 3, 2022 1:56:30 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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To: Jessica Savoie <jsavoie@peifferwolf.com>; Shafer, Leslie <lshafer@prosecutor.cuyahogacounty.us>
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Cc: [Ashlie Case Sletvold](#)
Subject: RE: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Thursday, November 3, 2022 6:01:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Cc: [Ashlie Case Sletvold](#)
Subject: Re: James v. Cuyahoga County, et al.: resolving the discovery disputes discussed October 17
Date: Friday, November 4, 2022 9:10:51 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane,

Our conversation on October 6 after the mediation was not the last discussion between counsel on these issues. As you know, we completed the conferral required by Local Rule 37.1 and the Court's standing order on October 17, and counsel for the County advised that the County was not willing to comply with our requests.

Further, the time to raise concerns with the discovery requests expired January 31, 2022. The County did not make any objections by that date and thus waived any objections under Fed. R. Civ. P. 34.

It has now been one week since the County advised counsel and the Court that it was withdrawing the motion to bifurcate, which was the stated justification for not producing the videos responsive to our requests. Yet you have not responded to our simple questions about whether, how, and when the County intends to resolve the two discovery disputes we raised in our letters of October 3—more than one month ago.

You have declined to advise of any change in the County's position that would warrant a new telephone conferral before seeking a status conference with the Court. If the County has changed its position since the October 17 conferral, please advise.

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We have received your email to Ms. Yesiolowski and your notice of withdrawal of the motion to bifurcate.

Please advise regarding when we can expect to receive the 60 videos requested in the May 19 letter and addressed in our October 3 letter and October 17 telephone conferral. As requested in the May 19 letter, we would like to receive these videos responsive to our November 24, 2021 discovery requests on a rolling basis.

Please also confirm that the County will promptly remove the confidentiality designations (or authorize the removal of the designations) on the public-record incident reports produced as CC000955–1877 and CC3083–7488, as referenced in the attached October 3 letter and addressed at the October 17 telephone conferral. Please advise of whether the County has determined that any redactions other than those identified in our October 3 letter are necessary under the terms of the Protective Order.

With kind regards,

Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-340-1803

Gender pronouns: she/her/hers

Please note that our Cleveland, Ohio office has moved to: 6370 SOM Center Rd., Suite 108, Cleveland, OH 44139. All phone numbers will remain the same.

peifferwolf.com



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From: [Jessica Savoie](#)
To: icappara@prosecutor.cuyahogacounty.us; lshafer@prosecutor.cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#)
Bcc: [Kelsey O'Hara](#)
Subject: James v. Cuyahoga County: today's status conference
Date: Monday, November 14, 2022 8:30:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Janeane and Leslie,

Since the County withdrew its motion to bifurcate on October 28, 2022, we have asked five times via email for the County to advise regarding whether and when it would comply with the requests raised in our letters of October 3, 2022. You have provided no response. In the interests of judicial efficiency, this will reiterate our request for the County to clarify its current positions on these discovery disputes in advance of today's 4:00 p.m. status conference:

1. Please advise regarding when we can expect to receive the 60 videos requested in the May 19 letter and addressed in our October 3 letter and October 17 telephone conferral. As requested in the May 19 letter, we would like to receive these videos responsive to our November 24, 2021 discovery requests on a rolling basis.

If the County intends to continue to refuse to produce these videos, please advise and explain the County's position.

2. Please confirm that the County will promptly remove the confidentiality designations (or authorize the removal of the designations) on the public-record incident reports produced as CC000955–1877 and CC3083–7488, as referenced in the attached October 3 letter and addressed at the October 17 telephone conferral. Please advise of whether the County has determined that any redactions other than those identified in our October 3 letter are necessary under the terms of the Protective Order.

If the County intends to continue to refuse to remove these confidentiality designations, please advise and explain the County's position.

Mr. James has a clear legal right to receive these public records in discovery without confidentiality designations. The County failed to make any objections, let alone legally valid objections, within the stipulated extension to respond to the November 24, 2021 discovery requests, thereby waiving any right to object or withhold documents based on objections under Fed. R. Civ. P. 34. These incident reports are public records, which are explicitly exempt from the Protective Order's scope. There is no good-faith legal basis to justify withholding this discovery and refusing to withdraw the confidentiality designations. The County should produce the requested records without further delays or the need for Court intervention.

Again, please advise regarding the County's current position on these issues so that this afternoon's status conference can be most productive.

With kind regards,



Jessica

Jessica Savoie
Of Counsel

PEIFFERWOLF
CARR KANE CONWAY & WISE

6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-340-1803

Gender pronouns: she/her/hers

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From: [Kelsey O'Hara](#)
To: [Judith A. Blatnik](#); sheriffpublicrequest@cuyahogacounty.us
Cc: [Ashlie Case Sletvold](#); [Jessica Savoie](#)
Subject: Request for records
Date: Thursday, September 29, 2022 4:48:56 PM
Attachments: [2022.09.29 PRR to CCSD re Genesis Allen.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Ms. Blatnik:

Please see the attached public-records request.

Thank you,
Kelsey

Kelsey O'Hara
Paralegal

PEIFFERWOLF
CARR KANE CONWAY & WISE

6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-242-6492

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Jessica Savoie | Of Counsel

6370 SOM Center Rd., Suite 108, Cleveland, OH 44139

216-340-1803 216-258-0161 jsavoie@peifferwolf.com

September 29, 2022

Judith Blatnik
Public Records Manager
Cuyahoga County Sheriff's Office
Via email to jblatnik@cuyahogacounty.us and sheriffpublicrequest@cuyahogacounty.us

Re: Request for records

Dear Ms. Blatnik:

This is a public-records request for records regarding a use-of-force incident on 8/6/2018 at the Cuyahoga County Corrections Center involving inmate Genesis Allen. Please provide incident reports and videos associated with this occurrence. Please provide the responsive records by **October 14, 2022**.

Per R.C. 149.43(B)(6), please provide the records in their native electronic format to me by email at jsavoie@peifferwolf.com. If responsive records are too large to transmit by email, you may provide a link to a file-sharing site. If you do not have access to a file-sharing site, we invite you to contact us by phone so our office can arrange for you to upload the records to our firm's file-sharing site at no cost.

Thank you for your time and attention.

Sincerely,

A handwritten signature in blue ink that reads "Jessica S. Savoie".

Jessica S. Savoie

cc: Ashlie Case Sletvold
Kelsey O'Hara

Peiffer Wolf Main Office
1519 Robert C. Blakes Sr. Dr.
New Orleans, LA 70130
Main: (504) 523-2434

Los Angeles
(415) 766-3545
Cleveland
(216) 589-9280

San Francisco
(415) 766-3544
St. Louis
(314) 669-3600

New York
(585) 310-5140
Austin
(512) 535-6608



THE CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

INTERIM SHERIFF STEVEN HAMMETT

THE JUSTICE CENTER 1215 West 3rd Street, Cleveland, Ohio 44113

October 5, 2022

Jessica Savoie, Esq.
Peiffer Wolf Carr Kane Conway & Wise
6370 SOM Center Rd., Suite 108
Cleveland, OH 44139

Sent via email to jsavoie@peifferwolf.com

Dear Attorney Savoie,

The Cuyahoga County Sheriff's Department is *partially* responding to your public record request dated September 29, 2022. In an emailed letter, you requested "records regarding a use-of-force incident on 8/6/2018 at the Cuyahoga County Correction Center involving inmate Genesis Allen [DOB: 12/17/1998]." Specifically, you requested incident reports and videos associated with this occurrence.

Today, the responsive reports are being provided to you with the medical records redacted pursuant to O.R.C. 149.43(A)(3) and *State ex rel. Strothers v. Wetheim*, 80 Ohio st.3d 155, 158 (1997). A secure link from Sharebase is being sent to you today with 4 responsive body cam videos. The request for video continues to be processed and a response will be sent at a later date.

If you should have any questions regarding this request, please feel free to contact me at jblatnik@cuyahogacounty.us or (216) 443-6130.

Sincerely,

Judith A. Blatnik, MS
Administrative Coordinator / Public Record Officer





CUYAHOGA COUNTY SHERIFF'S OFFICE
CLIFFORD PINKNEY, Sheriff

A

COMBINATION REPORT

FILE # **0C7134**

☒ **INCIDENT**
☒ **RESPONSE TO INCIDENT**
☒ **DISCIPLINARY**

(PLEASE CHECK OFF THE APPROPRIATE BOX(ES) DESIGNATING THE REPORT TYPE)

DATE: August 6, 2018

DAY: Monday

Page: 1 of: 2 Pages

REPORTING OFFICER: Jermaine Clements

NAME OF PERSONS INVOLVED: Allen, Genesis So# 0329155 Bk# 20180804026 7E pod Jail-1 Bunk-17T
(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO#)

NAME OF PERSON CHARGED: _____

(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO# and BOOKING#)

DATE OF INCIDENT: August 6, 2018

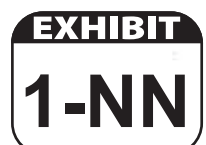
DAY OF INCIDENT: Monday

TIME OF INCIDENT: 0639-0645Hrs

LOCATION OF INCIDENT: 7E pod Jail 1

NARRATIVE: (WHO, WHAT, WHERE, WHEN, WHY, HOW & ACTION TAKEN)

On Monday August 6, 2018 at approximately 0639-0645hrs I officer Clements responded to a 10-25 in 7E pod jail-1. Upon arriving inmate Allen, Genesis So# 0329155 Bk# 20180804026 7E pod Jail-1 Bunk-17T was refusing a direct order to sit on his bunk during an emergency. After several attempts to get inmate Allen to comply he still refused direct orders. So I officer Clements with my right and left hand placed them on inmate Allen's upper torso and placed him on the floor to be secured into handcuffs. He was still non-compliant when directed to give his hands up, but with assistance of Sgt officer James I officer Clements was able to secure inmate Allen into handcuffs.





CUYAHOGA COUNTY SHERIFF'S OFFICE

CLIFFORD PINKNEY, Sheriff

WAS THERE A RESPONSE TO RESISTANCE? ☐ NO ☒ YES

IF YES, NARRATIVE OF RESPONSE USED: 1 officer Clements with my right and left hand placed them on inmate Allen's upper torso and placed him on the floor to be secured into handcuffs

RESPONSE TO RESISTANCE REVIEWED: *[Signature]*

☐ MINOR RULE(S) VIOLATION DISPOSITION REQUESTED (Not to exceed 120 hours)

CHARGES:

☐ MAJOR / SERIOUS RULE(S) VIOLATION REQUESTED

CHARGES:

2-2

2-19

3-19

FLOOR / AREA SUPERVISOR'S REVIEW:

Inmate was taken to the hall on 7 South. He began banging his head. Placed in restraint chair. He was resisting. When hands were uncuffed began fighting to prevent his hands from being secured. O.C. was deployed. He was then secured. Decontaminated. Restraints checked by Nurse Chute. He was then taken to 7 South room by Nurse Cooper.

REQUEST FOR DISCIPLINE, IF APPLICABLE, HAS BEEN REVIEWED & FORWARDED TO THE SGT FOR FURTHER ACTION?

☒ YES ☐ NO

ALL SEGMENTS OF THIS REPORT ARE COMPLETE?

☒ YES ☐ NO

[Signature]
(FLOOR / AREA SUPERVISOR'S SIGNATURE)

☐ MINOR RULE VIOLATION DISPOSITION APPROVED:

☐ YES

☐ NO

DISCIPLINARY ISOLATION START:

@

☐ AM ☐ PM

END:

@

☐ AM ☒ PM

☒ REQUEST FOR MAJOR / SERIOUS DISCIPLINE HAS BEEN REVIEWED & APPROVED FOR FURTHER INVESTIGATION AND APPROPRIATE ADMINISTRATIVE ACTION? ☒ YES ☐ NO

REPORT REVIEWED AND APPROVED: ☒ YES ☐ NO

SERGEANT'S REVIEW:

REPORT REVIEWED DISCIPLINE APPROVED.

RE-CLASSIFIED 10/18

SERGEANT'S SIGNATURE: *[Signature]*

DATE:

8-6-18



CUYAHOGA COUNTY SHERIFF'S OFFICE
Clifford Pinkney, Sheriff

COMBINATION REPORT

FILE # **007136**

☒ INCIDENT

☒ RESPONSE TO INCIDENT

☐ DISCIPLINARY

(PLEASE CHECK OFF THE APPROPRIATE BOX(ES) DESIGNATING THE REPORT TYPE)

DATE: 6 August 2018 DAY: Monday Page: 1 of: 2 Pages

REPORTING OFFICER: SRT Bruce R. Smith III

SIGNATURE: *B.R. Smith III*

NAME OF PERSONS INVOLVED: 7E#17t Allen, Genesis SO#0329155 Booking#20180804026
(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO#)

NAME OF PERSON CHARGED: _____

(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO# and BOOKING#)

DATE OF INCIDENT: 6 August 2018

DAY OF INCIDENT: Monday

TIME OF INCIDENT: 0645 hrs.

LOCATION OF INCIDENT: 7E pod Jail 1 hallway

NARRATIVE: (WHO, WHAT, WHERE, WHEN, WHY, HOW & ACTION TAKEN)

On Monday August 6, 2018 at approximately 0645 Hrs in 7E pod Jail 1, I SRT B.R. Smith III assisted with placing inmate Allen, Genesis SO#0329155, who was ordered into the Emergency Restraint Chair (ERC) by Cpl. Pritchett for hitting his head on the wall outside of 7E Pod Jail 1. Using the straps provided and both of my hands I secured Allen's left arm, left leg, and left shoulder.

Respectfully Submitted,

B.R. Smith III
SRT Bruce R. Smith III 8-6-18



CUYAHOGA COUNTY SHERIFF'S OFFICE
Clifford Pinkney, Sheriff

001890

WAS THERE A RESPONSE TO RESISTANCE? ☐ NO ☒ YES

IF YES, NARRATIVE OF RESPONSE USED: Using the straps provided I secured Allen's, left arm, left leg, and left shoulder. *[Signature]*

RESPONSE TO RESISTANCE REVIEWED: *[Signature]*

☐ MINOR RULE(S) VIOLATION DISPOSITION REQUESTED (Not to exceed 120 hours)

CHARGES:

☐ MAJOR / SERIOUS RULE(S) VIOLATION REQUESTED

CHARGES:

FLOOR / AREA SUPERVISOR'S REVIEW:

See main report.

REQUEST FOR DISCIPLINE, IF APPLICABLE, HAS BEEN REVIEWED & FORWARDED TO THE SGT FOR FURTHER ACTION?

☐ YES ☒ NO

ALL SEGMENTS OF THIS REPORT ARE COMPLETE?

☒ YES ☐ NO

[Signature]
 (FLOOR / AREA SUPERVISOR'S SIGNATURE)

☐ MINOR RULE VIOLATION DISPOSITION APPROVED:

☐ YES

☐ NO

DISCIPLINARY ISOLATION START:

@

☐ AM ☐ PM

END:

@

☐ AM ☐ PM

☐ REQUEST FOR MAJOR / SERIOUS DISCIPLINE HAS BEEN REVIEWED & APPROVED FOR FURTHER INVESTIGATION AND APPROPRIATE ADMINISTRATIVE ACTION? ☐ YES ☒ NO

REPORT REVIEWED AND APPROVED:

☒ YES

☐ NO

SERGEANT'S REVIEW:

CLEARED IN MEDICAL PLACED ON OBSERVATION 7C/D RESTAURANT ROOM.

SERGEANT'S SIGNATURE:

[Signature]

DATE:

8-6-18



CUYAHOGA COUNTY SHERIFF'S OFFICE
Clifford Pinkney, Sheriff

COMBINATION REPORT

FILE # 007135

☐ INCIDENT

☒ RESPONSE TO INCIDENT

☐ DISCIPLINARY

(PLEASE CHECK OFF THE APPROPRIATE BOX(ES) DESIGNATING THE REPORT TYPE)

DATE: 08/06/2018 DAY: Monday Page: 1 of: 2 Pages

REPORTING OFFICER: SRT Brendan King

SIGNATURE: *B King*

NAME OF PERSONS INVOLVED: ALLEN, GENESIS SO#0329155 Booking#20180804026

(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO#)

7E 17T

NAME OF PERSON CHARGED: _____

(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO# and BOOKING#)

DATE OF INCIDENT: 08/06/2018

DAY OF INCIDENT: Monday

TIME OF INCIDENT: 0645 hrs.

LOCATION OF INCIDENT: 7E pod Jail 1 hallway

NARRATIVE: (WHO, WHAT, WHERE, WHEN, WHY, HOW & ACTION TAKEN)

On Monday August 6, 2018, I officer Brendan King assisted SRT Smith place inmate Allen, Genesis SO#0329155, who was hitting his head on the wall outside of 7E Pod Jail 1, in the restraint chair. Using the straps provided I secured Allen's waist, right arm, right leg, and right shoulder.



CUYAHOGA COUNTY SHERIFF'S OFFICE
Clifford Pinkney, Sheriff

WAS THERE A RESPONSE TO RESISTANCE? ☐ NO ☒ YES

IF YES, NARRATIVE OF RESPONSE USED: Using the straps provided I secured Allen's waist, right arm, right leg, and right shoulder.

RESPONSE TO RESISTANCE REVIEWED: _____

☐ MINOR RULE(S) VIOLATION DISPOSITION REQUESTED (Not to exceed 120 hours)

CHARGES: _____

☐ MAJOR / SERIOUS RULE(S) VIOLATION REQUESTED

CHARGES: _____

FLOOR / AREA SUPERVISOR'S REVIEW: *See main report*

REQUEST FOR DISCIPLINE, IF APPLICABLE, HAS BEEN REVIEWED & FORWARDED TO THE SGT FOR FURTHER ACTION?

☐ YES ☒ NO

ALL SEGMENTS OF THIS REPORT ARE COMPLETE?

☒ YES ☐ NO

[Signature]
 (FLOOR / AREA SUPERVISOR'S SIGNATURE)

☐ MINOR RULE VIOLATION DISPOSITION APPROVED: ☐ YES ☐ NO

DISCIPLINARY ISOLATION START: _____ @ _____ ☐ AM ☐ PM

END: _____ @ _____ ☐ AM ☐ PM

☐ REQUEST FOR MAJOR / SERIOUS DISCIPLINE HAS BEEN REVIEWED & APPROVED FOR FURTHER INVESTIGATION AND APPROPRIATE ADMINISTRATIVE ACTION? ☐ YES ☒ NO

REPORT REVIEWED AND APPROVED: ☒ YES ☐ NO

SERGEANT'S REVIEW: *INMATE CLEANED IN MEDICAL PLACED ON OBSERVATION
 7C10 RESTRAINT ROOM.*

SERGEANT'S SIGNATURE: *[Signature]*

DATE: *8-6-18*



CUYAHOGA COUNTY SHERIFF'S OFFICE
Clifford Pinkney, Sheriff

COMBINATION REPORT

FILE # **007137**

☒ **INCIDENT**

☒ **RESPONSE TO INCIDENT**

☐ **DISCIPLINARY**

(PLEASE CHECK OFF THE APPROPRIATE BOX(ES) DESIGNATING THE REPORT TYPE)

DATE: 6 August 2018 DAY: Monday Page: 1 of: 2 Pages

REPORTING OFFICER: SRT Steve James

SIGNATURE: *[Signature]*

NAME OF PERSONS INVOLVED: 7E#17t Allen, Genesis SO#0329155 Booking#20180804026
(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO#)

NAME OF PERSON CHARGED: _____

(INCLUDE LAST NAME, FIRST NAME, MIDDLE INITIAL, SO# and BOOKING#)

DATE OF INCIDENT: 6 August 2018

DAY OF INCIDENT: Monday

TIME OF INCIDENT: 0645 hrs.

LOCATION OF INCIDENT: 7E pod Jail 1 hallway

NARRATIVE: (WHO, WHAT, WHERE, WHEN, WHY, HOW & ACTION TAKEN)

On Monday August 6, 2018 at approximately 0645hrs in 7E pod Jail 1, I SRT Steve James responded to a p.a.t. Inmate Allen, Genesis SO#0329155 was ordered into the Emergency Restraint Chair (ERC) by Cpl. Pritchett for hitting his head on the wall outside of 7E Pod Jail 1. While in the Emergency Restraint Chair, inmate Allen #0329155 became combative which at this time I deployed OC foam towards the facial area of inmate Allen #0329155. Supervisors took control of the situation from that point on.

Respectfully Submitted,

SRT Steve James



CUYAHOGA COUNTY SHERIFF'S OFFICE
Clifford Pinkney, Sheriff

721700

WAS THERE A RESPONSE TO RESISTANCE? ☐ NO ☒ YES

IF YES, NARRATIVE OF RESPONSE USED: I used OC foam towards the facial area of inmate Allen #0329155.

RESPONSE TO RESISTANCE REVIEWED: *[Signature]*

☐ MINOR RULE(S) VIOLATION DISPOSITION REQUESTED (Not to exceed 120 hours)

CHARGES:

--	--	--	--	--	--

☐ MAJOR / SERIOUS RULE(S) VIOLATION REQUESTED

CHARGES:

--	--	--	--	--	--

FLOOR / AREA SUPERVISOR'S REVIEW: See main report.

REQUEST FOR DISCIPLINE, IF APPLICABLE, HAS BEEN REVIEWED & FORWARDED TO THE SGT FOR FURTHER ACTION?

☐ YES ☒ NO

ALL SEGMENTS OF THIS REPORT ARE COMPLETE?

☒ YES ☐ NO

[Signature]
 (FLOOR / AREA SUPERVISOR'S SIGNATURE)

☐ MINOR RULE VIOLATION DISPOSITION APPROVED: ☐ YES ☐ NO

DISCIPLINARY ISOLATION START: _____ @ _____ ☐ AM ☐ PM

END: _____ @ _____ ☐ AM ☐ PM

☐ REQUEST FOR MAJOR / SERIOUS DISCIPLINE HAS BEEN REVIEWED & APPROVED FOR FURTHER INVESTIGATION AND APPROPRIATE ADMINISTRATIVE ACTION? ☐ YES ☒ NO

REPORT REVIEWED AND APPROVED: ☒ YES ☐ NO

SERGEANT'S REVIEW: CLEARED IN MEDICAL PLACED ON OBSERVATION
7C10 RESTRAINT ROOM.

SERGEANT'S SIGNATURE: *[Signature]*

DATE: 8-06-18

O.C. Administrative Warning**007139****To Be Given To Any Person Exposed To O.C.**

Inmate's Name: Genesis, Allen SO#: 329155 Location: 7E Jail: I
 Date: 8 / 6 / 2018 Time: 0645 Interviewing Officer: King

1. You have been contaminated with Oleoresin Capsicum (O.C.), a natural product derived from the Cayenne Peppers. I am going to treat you to reduce the discomfort you are feeling, as long as you cooperate.

2. O.C. is non-toxic and the effects will dissipate in a short time. The effects of O.C. may however, mask or cover other medical conditions, including overdoses or toxic levels of drugs like Cocaine, Amphetamines, Barbiturates, PCP, Opiates, Heroin or Alcohol.

3. I am going to ask you (5) questions for your own safety. Not answering my questions, withholding information or giving false or misleading answers could delay medical treatment and may seriously jeopardize your health and safety.

DO YOU UNDERSTAND EVERYTHING I TOLD YOU?

Question 1. Are you currently under the influence Cocaine, Amphetamines, Barbiturates, PCP, Opiates, Heroin or Alcohol?

Which Drug(s) Used:	Date: <u>8-6-18</u>	Time: <u>0650</u>	Initials: <u>BF</u>	Refused to Answer: Yes <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---------------------	---------------------	-------------------	---------------------	--

Question 2. Have you taken Cocaine, Amphetamines, Barbiturates, PCP, Opiates, Heroin or Alcohol in the last 8-hours?

Which Drug(s) Used:	Date: <u>8-6-18</u>	Time: <u>0650</u>	Initials: <u>BF</u>	Refused to Answer: Yes <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---------------------	---------------------	-------------------	---------------------	--

Question 3. Do you normally take any illegal drugs or prescription drugs?

Which Drug(s) Used:	Date: <u>8-6-18</u>	Time: <u>0650</u>	Initials: <u>BF</u>	Refused to Answer: Yes <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---------------------	---------------------	-------------------	---------------------	--

Question 4. Do you have Heart Problems, Lung Problems, Diabetes, High Blood Pressure or any other serious medical condition.

Which Medical Conditions:	Date: <u>8-6-18</u>	Time: <u>0650</u>	Initials: <u>BF</u>	Refused to Answer: Yes <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---------------------------	---------------------	-------------------	---------------------	--

Question 5. Do you have Allergies?

Which Allergies:	Date: <u>8-6-18</u>	Time: <u>0650</u>	Initials: <u>BF</u>	Refused to Answer: Yes <input type="checkbox"/> NO <input checked="" type="checkbox"/>
------------------	---------------------	-------------------	---------------------	--

I, the undersigned Officer, have completed the above interview with inmate at hrs on

Interviewing Officer:

(Signature of Interviewing officer)

Brendan King
 (Above name printed or typed)

(Signature of Witnessing officer)

G. O'Meara
 (Above name printed or typed)

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

File #: **007138****Use of Therapeutic Restraint Equipment & Security Monitoring****Section 1**

Inmate's Name: Allen Genesis SO#: 329155
 (Above Name Printed or Typed)
 Location: 7 E Jail: ☒ 1 ☐ 2 Date: 8/10/18
 (Housing Location of Inmate)

Due to the application of protective restraint equipment, acceptable intervention strategies were attempted without successful resolution of the presenting behavior(s).

Signature of Floor Supervisor: [Signature] Date: 8-6-18 Signature of Jail Sergeant: [Signature] Date: 8-6-18

Restraint Equipment Used: Chair
 Date of Application: 8/6/18 Time of Application: 645

When an inmate is placed in Therapeutic and/or Security Restraint Equipment, the inmate's restraints are checked by the Medical Staff immediately after placement and once every hour thereafter.

Medical Personnel: [Signature] Date: 8/6/18
 (Signature of Medical Personnel)
L. Chute Time of initial check: 650
 (Above Name Printed or Typed)

Section 2

Restraint Checks Conducted: (Every Ten Minutes) (Time/Initials):

DJS 0650	DJS 0750	DJS 0850			
DJS 0700	DJS 0800	DJS 0900			
DJS 0710	DJS 0810				
DJS 0720	m.v. 0820				
DJS 0730	m.v. 0830				
DJS 0740	m.v. 0840				

Initial of Officer Monitoring Inmate: _____ (Initial of Officer) _____ (Officer's Name Typed or Printed Monitoring Inmate)

Section 3

Restraint Checks Conducted: (Every Hour) (Time/Signature): 650 [Signature]

Restraint Equipment Removed By:

Signature of Supervisor: [Signature] Date: 8.6.18

Supervisor's Name Typed or Printed: C Time Restraint(s) Removed: 1900

[Signature]